

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Board of Architecture		CONTACT PERSON John Cothron	TELEPHONE NUMBER 601-856-6760	
ADDRESS 2 Professional Parkway #2B		CITY Ridgeland	STATE MS	ZIP 39157
EMAIL jcothron@msboa.ms.gov	SUBMIT DATE 9/18/20	Name or number of rule(s): Title 30, Part 201: Mississippi State Board of Architecture		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Add a provision regarding improper conduct while taking the Architect Registration Examination (Rule 1.7); clarify practice procedures in design/build undertakings (Rule 3.2); bring Rule 4.3 into compliance with the "Fresh Start Act of 2019"; clarify signature requirements for documents (Rules 3.2 and 4.5); expand Chapter 5 regarding disciplinary procedures and actions; and amend the definition of health, safety, and welfare subjects in Rule 6.5.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. § 73-1-1 et seq.

List all rules repealed, amended, or suspended by the proposed rule: 1.7, 3.2, 3.3, 4.3, 4.5, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 6.5.

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: 2/18/2020 Action taken: _____ Adopted with no changes in text ☒ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: ☒ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: John Cothron, Executive Director

Signature of person authorized to file rules: *John Cothron*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		FILED SEP 18 2020 MISSISSIPPI SECRETARY OF STATE
Accepted for filing by	Accepted for filing by	Accepted for filing by <i>#25125</i> <i>[Signature]</i>

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



RESOLUTION

Whereas, it is necessary for the Occupational Licensing Review Commission to issue a resolution regarding the approval or denial of specific rules submitted for its review: NOW, THEREFORE, LET IT BE RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following rules shall be known to have been approved by the Commission at a duly called meeting of its members on August 27, 2020, and may now be filed as final with the Secretary of State's Office for inclusion in the Mississippi Administrative Code:

- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XLVII Physician Dispensing Facility Permits; This is a new regulation regarding any facility where a physician is dispensing prescription medications. This new regulation supports new regulations proposed by the Medical Licensure Board. *Approved as amended to change the first sentence of Section 2, Paragraph 1 to read, "Every physician holding a physician dispensing facility permit issued by the Board of Pharmacy shall keep complete and accurate records of the acquisition and disposition of all controlled substances that come into his/her possession to be dispensed"; add a definition of 'imminent danger' to Section 3, Paragraph 4; remove the last sentence of Section 8, Paragraph 6; and to fix various grammatical errors.*
- Rules of the State Board of Public Accountancy - Title 30, Part 1, Chapter 5, Compliance Assurance Program, Rule 5.1 Purpose; Reduce regulation Rule 5.1 states in the purpose the list of engagements subject to peer review. The proposed change reduces the types of engagements to now exclude preparation engagements.
- Rules of the State Board of Architecture – Title 30, Part 201: Mississippi State Board of Architecture; Add a provision regarding improper conduct while taking the Architect Registration Examination (Rule 1.7); clarify practice procedures in design/build undertakings (Rule 3.2); bring Rule 4.3 into compliance with the "Fresh Start Act of 2019" ; clarify signature requirements for documents (Rules 3.2 and 4.5); expand Chapter 5 regarding disciplinary procedures and actions; and amend the definition of health, safety, and welfare subjects in Rule 6.5. *Approved as amended to change the last sentence of Rule 3.2.7 to read, "If the architect of record is also an owner in the contracting firm for the project, the architect should advise the owner of the potential conflict of interest so that the owner can have the opportunity to employ a third party to provide construction administration." and to clarify the meaning of Rule 4.5.7 B.*
- Rules of the State Board of Architecture - Title 30, Part 202: Landscape Architecture Advisory Committee to the Mississippi State Board of Architecture;

Amend Rule 1.3, 2.5.1, and 3.1 to bring the rules into compliance with the “Fresh Start Act of 2019,” and add a new Rule 1.14 to define practices exempt from licensing.

- Rules of the State Board of Architecture - Title 30, Part 203: Interior Design Advisory Committee to the Mississippi State Board of Architecture; Amend Rule 5.3 to bring the rule into compliance with the “Fresh Start Act of 2019.”
- Rules of the State Board of Dental Examiners - Title 30 Mississippi Administrative Code Part 2301, Rule 1.7 – Provisional and Specialty Licensure; to allow for the addition of a volunteer, temporary licensure for gratuitous and charitable dental procedures. *Approved as amended to clarify that an out-of-state dentist applying for a volunteer/limited license is not limited to ten days of practice per year.*
- Rules of the State Board of Dental Examiners – Title 30 Mississippi Administrative Code Part 2301, Rule 1.47 – Licensure by Credentials; Amendment to Regulation 47 as voted upon in Board Meeting dated 1/31/2020. *Approved as amended to correct the citation to Mississippi Code Annotated Section 73-9-24(1)(b).*