

Mississippi Secretary of State
125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS Board of Pharmacy		CONTACT PERSON David Scott	TELEPHONE NUMBER 601-899-8880	
ADDRESS 6360 I-55 North Suite 400		CITY Jackson	STATE MS	ZIP 39211
EMAIL dscott@mbp.state.ms.us	SUBMIT DATE 04/08/2021	Name or number of rule(s): Title 30 Part 3001 ARTICLE VII RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC)		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This is an amendment to require the PIC to be physically at the facility for 50% of the hours of operation or 20 hours per week whichever is less and to render a permit inactive if a new PIC is not submitted within 15 days of previous PIC leaving.

Specific legal authority authorizing the promulgation of rule: 73-21-81.

List all rules repealed, amended, or suspended by the proposed rule:

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: July 27, 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: David K. Scott, Board Counsel

Signature of person authorized to file rules: [Signature]

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	Accepted for filing by	 FILED APR 08 2021 MISSISSIPPI SECRETARY OF STATE Accepted for filing by <u>#25449 [Signature]</u>

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 March 19, 2021, 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 Examiners for Licensed Professional Counselors – Title 30. Part 2201. Rules 1.4.O., 4.3.B., and 7.5.; Rule changes to revise Distance Professional Services (telemental health) for Counselors. *Approved as amended to remove the one (1) year of experience in Rule 7.5, subsection 3.c.*
- Rules of the Board of Pharmacy – Title 30, Part 3001 Article XX Partial Filling of Schedule II prescriptions; This is an amendment to bring the regulation into compliance with federal law.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article IV License Renewal and Continuing Education; This is an amendment to change the number of required continuing education hours addressing opioid abuse.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article VII Responsibility of Pharmacist-In-Charge; This is an amendment to require the PIC to be physically at the facility for 50% of the hours of operation or 20 hours per week whichever is less and to render a permit inactive if a new PIC is not submitted within 15 days of previous PIC leaving.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XLVIII Telepharmacy; This is a new regulation regarding the permitting and operation of a telepharmacy facility. *Approved as amended to change any reference to fifteen (15) driving miles to a fifteen (15) mile radius.*
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article I Licensure; This is an amendment to incorporate the Military Family Freedom Act into the Mississippi Board of Pharmacy Regulations.
- Rules of the Board of Nursing – 30 Miss. Admin. Code Pt. 2830: Practice of Nursing; The Mississippi Board of Nursing seeks to implement standards of practice for nursing in the emergency setting. The proposed amendments are aligned with national standards and provide regulations for nurses delivering care to persons experiencing emergent conditions and requiring immediate intervention.
- Rules of the Board of Nursing – 30 Miss. Admin. Code Pt. 2840: Advanced Practice; The Mississippi Board of Nursing seeks to implement standards of

practice for nursing in the emergency setting. The proposed amendments are aligned with national standards and provide regulations for nurses delivering care to persons experiencing emergent conditions and requiring immediate intervention.

- Rules of the Board of Nursing – 30 Miss. Admin. Code Pt. 2860: Certified Clinical Hemodialysis Technicians (CCHTs); Miss. Code Ann. Section 73-79-1, designates the Mississippi State Board of Health as the regulatory authority for hemodialysis technicians, a role previously assigned to the Mississippi Board of Nursing. The Mississippi State Department of Health has promulgated administrative regulations for CCHTs, effective 11/09/2019. The Mississippi Board of Nursing seeks to repeal administrative regulation 30 Miss. Admin. Code Pt. 2860: Certified Clinical Hemodialysis Technicians (CCHTs).
- Rules of the Motor Vehicle Commission – 130-1 Rule 7.5; Address change
- Rules of the Board of Nursing Home Administrators – Title 30, Part 2703, Chapter 1, Rule 1.3.B.(2)(a); This rule is being amended to allow nursing home administrators who have 10 years or more of experience as a nursing home administrator, assistant nursing home administrator, or an administrator who has had direct management responsibility over one or more nursing homes to become certified preceptors after completing a Board-approved training for certification as a preceptor in Mississippi.
- Rules of the Board of Dental Examiners – 30 Mississippi Administrative Code Part 2301, Rule 1.30- Administration of Anesthesia; MSBDE previously voted to repeal Regulation 29 and replace it with Regulation 30. Regulation 30 was significantly amended by the MSBDE in its board meeting on 5/15/20, and the previously submitted Regulation 30 was withdrawn by MSBDE and amended Rule 30 refiled on May 27, 2020. This new Regulation clarifies the standards for the admission of anesthesia in connection with dental procedures.