

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.ms.gov	SUBMIT DATE 7/8/2021	Name or number of rule(s): Title 30 Part 3002 Chapter 3 Rule 3.9 Settlement Negotiations and Agreed Orders		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This amendment changes terminology and conforms regulation to current agency practices.

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

List all rules repealed, amended, or suspended by the proposed rule: Title 30 Part 3002 Chapter 3 Rule 3.9 Settlement Negotiations and Agreed Orders

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: 12/18/2020 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: David K. Scott, Board Counsel

Signature of person authorized to file rules: *D. K. Scott*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by _____	Accepted for filing by _____	 Accepted for filing by <i>25711 Pam</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 June 7, 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 Medical Licensure – Part 2605 Chapter 3: Temporary Licensure, Rule 3.1 Temporary Licensure; Amendment of existing rules regarding temporary licensure issuance. Adding the ability for the Board to approve certain practice sites affiliated with ACGME, AOA or APMA approved postgraduate programs, but which are not specifically approved by those entities.
- Rules of the Board of Medical Licensure – Part 2615 Chapter 1: The Practice of Physician Assistants, Rule 1.2 Definitions; Amending rules regarding Physician Assistant practice to match changes being made in Nurse Practitioner collaboration regulations. Rule 1.2 is being amended to broaden the scope of a requirement. *Approved as amended to add this sentence to the end of the definition for 'Supervising Physician': "Exceptions to the in-state practice requirement may be granted by the Board, by and through the Executive Committee, in cases demonstrating good cause. Additionally, temporary permission may be granted by the Executive Director until the request can be heard before the Executive Committee."*
- Rules of the Board of Medical Licensure – Part 2615 Chapter 1: The Practice of Physician Assistants, Rule 1.7 Supervising Physician Limited; Amending rules regarding Physician Assistant practice to match changes being made in Nurse Practitioner collaboration regulations; Rule 1.7 is being amended to clarify a requirement. *Approved as amended to strike the first sentence of the rule.*
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.2 Definitions; Restructuring of the current regulations regarding Collaboration. Rule 1.2 is being amended to reflect current and new terminology within certain sections of the rules.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.3 Duty to Report Collaborative Relationships; Restructuring of the current regulations regarding Collaboration. Rule 1.3 is being amended to remove antiquated language, move language to another portion of the rule, and set forth the expectation to report relationships to the Board.

- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.4 Extended Mileage Collaboration and Board Review; Restructuring of the current regulations regarding Collaboration. Rule 1.4 has been amended and moved to proposed Rule 1.6, inserting the updated Rule 1.4 as attached. The Board is restructuring collaboration rules to read more clearly and to incorporate terminology related to the new online licensure system.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.5 Primary Care Extended Mileage; Restructuring of the current regulations regarding Collaboration. Rule 1.5 is being amended to clarify a requirement.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.6 Backup and Emergency Coverage; Restructuring of the current regulations regarding Collaboration. The previous Rule 1.4 is being amended and moved to Rule 1.6 with current Rule 1.6 being moved to new Rule 1.9.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioner, Rule 1.7 Billing for Collaborative Oversight; Restructuring of the current regulations regarding Collaboration. Rule 1.7 is being amended to address billing by licensees for collaborative oversight.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.8 Quality Improvement; Restructuring of the current regulations regarding Collaboration. Rule 1.8 is being created from portions of the amended Rule 1.3 to address oversight.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.9 Violation of Rules; Restructuring of the current regulations regarding Collaboration. Rule 1.9 is being created to establish the statutory section related to violations of the rules.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.10 Federal Facilities; Restructuring of the current regulations regarding Collaboration. Rule 1.10 is being created to acknowledge collaborative relationship differences in federal facilities.
- Rules of the Board of Pharmacy – Title 30, Part 3001 Article II Pharmacy Board Examination; This amendment repeals Article II. It has been incorporated into Article I.
- Rules of the Board of Pharmacy – Title 30, Part 3001 Article III Pharmacy Extern/Intern Registration and Practical Experience Requirement; This amendment incorporates Article XXXIV concerning extern/intern registration into this Article III which addresses the practical experience requirement. It also clarifies that an extern/intern that surrenders his/her registration must petition the Board for reinstatement.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XXXI Compounding Guidelines; This amendment clarifies that a compounding certificate will become inactive if a pharmacy fails to compound any prescription in a calendar year.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XXXIV Pharmacy Extern/Intern Registration; This amendment repeals Article XXXIV. It has been incorporated into Article III.

- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XXXVI Pharmaceutical Health Care Initiative and/or Modification of Drug Therapy Under Protocol; This amendment streamlines the regulation and removes unneeded burdensome requirements. *Approved as amended to revise the first sentence of the second paragraph to read, “For the purposes of the Article, “protocol” shall mean a written agreement...”*
- Rules of the Board of Pharmacy – Title 30 Part 3002 Chapter 3 Rule 3.6 Hearing Procedures; This amendment streamlines the regulation and removed unneeded burdensome requirements. *Approved as amended to revise the last sentence of paragraph E to read, “The hearing officer’s rulings on matters of law and procedure are advisory.”*
- Rules of the Board of Pharmacy – Title 30 Part 3002 Chapter 3 Rule 3.9 Settlement Negotiations and Agreed Orders; This amendment changes terminology and conforms the regulation to current agency practices.
- Rules of the Board of Pharmacy – Title 30 Part 3002 Chapter 8: Background Checks; This is a new administrative rule to comply with the Fresh Start Act of 2019.