

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 11/29/2021	Name or number of rule(s): Title 30 Part 3001 ARTICLE XLV PHARMACY BENEFIT MANAGER		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This is an amendment to streamline the regulation addressing pharmacy benefit managers.

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List all rules repealed, amended, or suspended by the proposed rule: Title 30 Part 3001 ARTICLE XLV PHARMACY BENEFIT MANAGER

ORAL PROCEEDING:

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

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

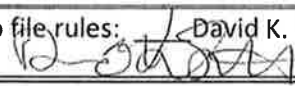
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) 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: March 31, 2021 Action taken: _____ Adopted with no changes in text <u> X </u> Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <u> X </u> 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: 

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 <u>25978 Bm</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 November 9, 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 Dental Examiners – Title 30, Part 2301, Rule 1.7: Provisional and Specialty Licensure; Amendment of Regulation 7 for additional recognition of dental specialties as recognized by the American Dental Association.
- Rules of the Board of Dental Examiners – Title 30, Part 2301, R. 1.37: License Renewal and Fee Schedule; Scrivener's amendment for terminology in fee type.
- Rules of the Board of Contractors – Title 30, Part 802, Rule 1.1 & 1.2; Title 30, Part 802, Rule 2.1 & 2.2; Title 30, Part 802, Rule 3.2 - 3.4; The proposed changes are in compliance with statutes of the Board of Contractors and the revisions are intended to clarify the applicability and requirements of the rules, update the rules to use gender-neutral terms, and update fees. *Approved as amended with the following changes:*
 - In Rule 1.1 3. b. (7), delete the word 'major'.
 - In Rule 1.2 7., replace the dash between '31-3-1' and '31-3-23' with the word 'through' and delete the addition of the words 'or any change orders issued thereafter'.
 - In Rule 3.3:
 - Add the following after 'and its operation' at the end of paragraph 1: 'provided that such suspension or modification is made in compliance with the provisions of the Mississippi Administrative Procedures Law, Miss. Code Ann. §§ 25-43-1.101 through 25-43-3.114, as amended.'
 - Add the following as paragraph 2: 'Should the Board determine that an emergency exists because of an imminent threat to the public, it may thereby invoke rule actions with fewer than twenty-five (25) days' notice in accordance with Miss. Code Ann. § 25-43-3.108. In any such instances, the Board must state in writing its reasons for doing so. It may abbreviate or eliminate the rule action notice for a period of not longer than one hundred and twenty (120) days renewable one time for not more than ninety

(90) days. After this time, the normal notice procedure would once again apply.

- Rules of the Board of Contractors – Title 30, Part 803, Rule 1.1; Title 30, Part 803, Rule 2.2; Title 30, Part 803, Rules 3.2 - 3.4; The proposed changes are in compliance with statutes of the Board of Contractors and the revisions are intended to clarify the applicability and requirements of the rules, update the rules to use gender-neutral terms, and update fees. *Approved as amended with the following changes to Rule 3.3:*
 - *In paragraph 2: change the end of the paragraph to read, ‘...and its operation provided that such suspension or modification is made in compliance with the provisions of the Mississippi Administrative Procedures Law, Miss. Code Ann. §§ 25-43-1.101 through 25-43-3.114, as amended.’*
 - *Add the following as paragraph 3: ‘Should the Board determine that an emergency exists because of an imminent threat to the public, it may thereby invoke rule actions with fewer than twenty-five (25) days’ notice in accordance with Miss. Code Ann. § 25-43-3.108. In any such instances, the Board must state in writing its reasons for doing so. It may abbreviate or eliminate the rule action notice for a period of not longer than one hundred and twenty (120) days renewable one time for not more than ninety (90) days. After this time, the normal notice procedure would once again apply.’*
- Rules of the Board of Examiners for Licensed Professional Counselors – Title 30, Part 2201, Rules 1.4, 2.1, and 5.4; Rule 1.4. – to amend rule to add the definition of Non-Practicing Licensed Professional Counselor, Rule 2.1. – to add the Fee schedule for Non-Practicing Licensed Professional Counselor, Rule 5.4. – to amend rule to add licensure category of Non-Practicing Licensed Professional Counselor.
- Rules of the Fire Personnel Minimum Standards and Certification Board – Title 19, Part 101, Chapter 1 (Rules and Regulations for Minimum Standards Certification (MSCB-1)); Rule 1.09 is being amended to expand recognition of credentials through reciprocity, and to comply with the provisions of the “Universal Recognition of Occupational Licenses Act” (Mississippi House Bill No. 1263, 2021 Session). Rules 1.04, 1.05, 1.06, and 1.10 are being amended to reflect the Board’s change to use of the Mississippi Trainee Agility Test (MSTAT) in place of the Candidate Physical Agility Test (CPAT). Other amendments are stylistic only and include updated source citations. *Approved as amended with the following amendments:*
 - *In Rule 1.09 B. 5., change the citation to 45-11-203 and add an ellipsis to the end of the paragraph.*
 - *In Rule 1.15, change the end of the sentence to read, ‘thirty (30) days after final filing in the Office of the Mississippi Secretary of State.’*
- Rules of the Motor Vehicle Commission – Title 30, Part 1301, Rule 6.1; Revise Salesman Regulation.
- Rules of the Board of Pharmacy – Title 30, Part 3001, Article XII Prescription/Order Required and Refill Authorization/Recordkeeping; This is an

amendment to clarify that medication orders in long term care setting are considered prescriptions.

- Rules of the Board of Pharmacy – Title 30, Part 3001, Article XL Pharmacy Technicians; This is an amendment to remove the requirement that a pharmacy technician become certified prior to renewal. Allows alternate training for pharmacy technicians.
- Rules of the Board of Pharmacy – Title 30, Part 3001, Article XLV Pharmacy Benefit Manager; This is an amendment to streamline the regulation addressing pharmacy benefit managers. *Approved as amended to strike the word 'not' in paragraph C.*
- Rules of the Board of Medical Licensure – Title 30, Part 2630, Chapter 10: Release of Medical Records; Revising and minor restructuring of current rules regarding release of medical records. Updating language to clarify terms and Board authority.
- Rules of the Board of Medical Licensure – Title 30, Part 2635, Chapter 15: Medical Examiners; To create a new chapter of regulations involving the practice of physicians as Medical Examiner and/or Deputy Medical Examiner, and for other purposes.
- Rules of the Auctioneer Commission – Title 30, Part 401: Mississippi Auctioneer Commission Rules and Regulations; A) include provisions applicable to the issuance of a license to applicants who are members of the military, or married to or dependents of the military (Military Freedom Act)(SB2117); B) update commission office contact information and location; C) provide additional detail and update Public Record requirements; D) correct typographical errors in previous filings; E) to comply with Fresh Start Act Section 73-77-1 et seq. MCA; F) to provide for bond of Executive Director; and G) to comply with House Bill 1263. *Approved as amended to change the words 'criminal record' to 'crime' in Rule 1.14 A. 1. and to keep all deleted language in Rules 2.3 and 2.4.*
- Rules of the Board of Massage Therapy – Title 30, Part 2501: Mississippi State Board of Massage Therapy Rules and Regulations; Include acceptance of ProTraining, LLC as an approved CPR/FA provider; update website address; add provisions to comply with Fresh Start Act of 2019; clarify fines and penalties; reapplication fee categories; continuing education sign-in sheet requirements; include provisions applicable to the issuance of a license to applicants who are members of the military, or married to or dependents of the military (Military Freedom Act)(SB2117); include rule modifications made by the Board under the Governor's state of emergency; deleted rules that were identical to statute; to correct typographical errors in previous Rules; make changes due to the passage of House Bill 1263 and the MS Massage Therapy Act; and change CEU provider reporting requirements. *Approved as amended with the following amendments:*
 - *In Rule 1.4 S., change the current incomplete citation to '§§ 73-67-1 through 73-67-39, et seq.'*
 - *In Rule 4.1 J. 1. a., change rule to read: 'An individual may be denied a license or permit based on a felony conviction. A felony conviction includes...'*
 - *In Rule 5.1 A. 4., change the current incomplete citation to '§§ 73-67-1 through 73-67-39, et seq.'*

- *In Rule 6.1 F. 3., change the word 'offenses' to 'crimes'.*
- *In Rule 6.3 A., add the words 'shall be displayed' between the words 'Therapist' and 'at' on the third line.*
- *In Rule 9.1 A., delete paragraph 5.*