

Mississippi Secretary of State

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Real Estate Commission		CONTACT PERSON Robert E. Praytor	TELEPHONE NUMBER (601) 321-6970	
ADDRESS 4780 I-55 North, Suite 300		CITY Jackson	STATE MS	ZIP 39211
EMAIL rpraytor@mrec.state.ms.us	SUBMIT DATE 7/20/2022	Name or number of rule(s): Title 30, Part 1601, Rules 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: **Promulgation of Rules governing Miss. Real Estate Commission Administrative and Disciplinary Proceedings.**

Specific legal authority authorizing the promulgation of rule: **Miss. Code Ann. §73-35-35**

List all rules repealed, amended, or suspended by the proposed rule: **N/A**

ORAL PROCEEDING:

An oral proceeding was held for this rule on 2/16/2022 Time: 10:00 a.m. Place: Mississippi Real Estate Commission, 4780 I-55N, Jackson, MS 39211.

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: 1/05/2022 Action taken: _____ Adopted with no changes in text ☒ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing ☒ Other (specify): <u>8/15/22</u>

Printed name and Title of person authorized to file rules: **ROBERT E. PRAYTOR, ADMINISTRATOR**

Signature of person authorized to file rules: *Robert E. Praytor*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	Accepted for filing by	FILED JUL 20 2022 MISSISSIPPI SECRETARY OF STATE Accepted for filing by <i>26483 POM</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 21, 2022, 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 2640, Chapter 2 Cannabis Certification; Creation of a new chapter setting forth rules for medical practitioners regarding certification of certain medical conditions for which patients may obtain cannabis, and for related purposes. *Approved as amended to add the following language to Rule 1.6, "Refer also to Title 15: Mississippi State Department of Health, Part 22: Medical Cannabis Program, Chapter 1: Subchapters 1-5 Regulations for Advertisement and Marketing."*
- Rules of the Board of Medical Licensure – Part 2635 Chapter 5: Practice of Telemedicine; Revision of the definitions and other sections regarding telemedicine to clarify certain terms common to the telemedicine industry and for other purposes.
- Rules of the Board of Nursing – Part 2840, Chapter 1: Section II Cannabis Certification, Rule 1.1 Scope for Part 2840, Chapter 1: Section II
- Rules of the Board of Optometry – Part 2901 Chapter 12: Cannabis Certification
- Rules of the Real Estate Commission – Title 30, Part 1601, Rules 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9; Promulgation of Rules governing Miss. Real Estate Commission Administrative and Disciplinary Proceedings. *Approved as amended to include the following changes along with some non-substantive renumbering:*
 - *Add the following definition to Rule 5.2, "C. Administrative Hearing Officer Option: The option for a licensee/Respondent to elect to have his or her Administrative Hearing conducted by an Administrative Hearing Officer instead of a Commission Hearing Panel. When the Administrative Hearing Officer Option is elected, the Administrative Hearing Officer shall have the same powers to conduct administrative hearings and render decisions as would the Commission Hearing Panel."*
 - *Delete Subsection 4) in Rule 5.5.*
 - *Clarify Rule 5.7 E. 1) by adding the words 'or Administrative Hearing Officer' after '...the Commission Hearing Panel'.*
 - *Clarify Rule 5.8 F. and G. by adding the words 'or Administrative Hearing Officer' after '...before the Commission'.*