

## Mississippi Secretary of State

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

## ADMINISTRATIVE PROCEDURES NOTICE FILING

|                                      |                         |                                                                      |                                  |              |
|--------------------------------------|-------------------------|----------------------------------------------------------------------|----------------------------------|--------------|
| AGENCY NAME<br>MS Board of Pharmacy  |                         | CONTACT PERSON<br>Avery Lee                                          | TELEPHONE NUMBER<br>601-487-4432 |              |
| ADDRESS<br>6360 I-55 North Suite 400 |                         | CITY<br>Jackson                                                      | STATE<br>MS                      | ZIP<br>39211 |
| EMAIL<br>AveryLee@mbp.ms.gov         | SUBMIT DATE<br>6/9/2023 | Name or number of rule(s):<br>Title 30 Part 3002 Chapter 4, Rule 4.1 |                                  |              |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This is a filing of an amendment to Title 30 Part 3002, Chapter 4, which deletes Rules 4.1-4.5 and implements a new Rule 4.1 regarding a Uniform Penalty Policy.

Specific legal authority authorizing the promulgation of rule: 73-21-81; 73-21-103; 73-21-163; 73-21-191.

List all rules repealed, amended, or suspended by the proposed rule: Title 30 Part 3002 Chapter 4: Penalties, Rule 4.1, Rule 4.2, Rule 4.3, Rule 4.4, Rule 4.5

## 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<br>_____ Renewal of effectiveness<br>To be in effect in _____ days<br>Effective date:<br>_____ Immediately upon filing<br>_____ Other (specify): _____ | <b>Action proposed:</b><br>_____ New rule(s)<br>_____ Amendment to existing rule(s)<br>_____ Repeal of existing rule(s)<br>_____ Adoption by reference<br><b>Proposed final effective date:</b><br>_____ 30 days after filing<br>_____ Other (specify): _____ | <b>Date Proposed Rule Filed: 10/6/2022</b><br><b>Action taken:</b><br>_____ Adopted with no changes in text<br><input checked="" type="checkbox"/> Adopted with changes<br>_____ Adopted by reference<br>_____ Withdrawn<br>_____ Repeal adopted as proposed<br><b>Effective date:</b><br><input checked="" type="checkbox"/> 30 days after filing<br>_____ Other (specify): _____ |

Printed name and Title of person authorized to file rules: Avery Mounger Lee, General Counsel

Signature of person authorized to file rules: /s/ Avery Mounger Lee

| OFFICIAL FILING STAMP                                                                           | DO NOT WRITE BELOW THIS LINE<br>OFFICIAL FILING STAMP                                           | OFFICIAL FILING STAMP                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by<br><u>27002 y3ls</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 April 18, 2023, and may now be filed as final with the Secretary of State's Office for inclusion in the Mississippi Administrative Code:

- Rules of the Mississippi Board of Medical Licensure - Title 30, Part 2640, R. 1.14: Revision of the pain management medical practice rules; removing the issuance of a certificate for pain management practices.
- Rules of the Mississippi Board of Medical Licensure - Title 30, Part 2640, R. 1.6: Revision of the bariatric practice requirements; removing the issuance of certificates in favor of a digital process.
- Rules of the Mississippi Board of Pharmacy – Title 30, Part 3002, Chapter 4: Repeal of Chapter 4 in its entirety and add a new Chapter 4, R. 4.1, to implement a uniform policy. *Approved with the following amendment: correct highlighted typos.*
- Rules of the Mississippi Board of Dental Examiners – Title 30, Part 2301, R. 1.13(2)(H) & R. 1.37: Amendment to provide for conditional administration of local anesthesia by dental hygienists and assessment of associated certification fee.
- Rules of the Mississippi Board of Registered Foresters – Title 30, Part 1001: Cleanup and update to rules; implementation of the Military Family Freedom Act and Universal Recognition of Occupational License Act; increase of license renewal and late renewal fees under R. 5.4 and 5.5. *Approved with the following amendment: the public records request labor cost section under Chapter 2 be changed to reflect that the fee is to be charged based on the lowest paid salary or some variation thereof to reflect the language in Miss. Code Ann. Section 25-61-7.*
- Rules of the Mississippi Board of Registered Geologists – Title 30, Part 1101, Chapter 2, R. 2.7 & 2.8 and repeal of Chapter 4, R. 4.3(B): Deletion of table of contents; addition of R. 2.7 to comply with Miss. Code Ann. Section 73-50-2; addition of R. 2.8 to comply with Miss. Code Ann. Section 73-50-1; deletion of Geologists in Training Application fee, and deletion of proctoring.