

Mississippi Secretary of State

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

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Board of Medical Licensure		CONTACT PERSON Jonathan Dalton	TELEPHONE NUMBER 601-987-3079	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	SUBMIT DATE 9/1/2023	Name or number of rule(s): 30 Miss. Admin. Code, Pt. 2601, Ch. 1: <i>Licensure Rules Governing the Practice of Allopathic Physicians, Osteopathic Physicians, Podiatrists, Physician Assistants, Radiologist Assistants and Acupuncturists</i>		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Proposed revision of the regulations regarding the licensure rules governing the practice of Allopathic and Osteopathic physicians, Podiatrists, Physician Assistants, Radiologist Assistants, and Acupuncturists. The change adds a new definition related to Canadian training and removes competency exceptions for licensees performing charity work or research.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann., §73-43-11

List all rules repealed, amended, or suspended by the proposed rule: Rules 1.1 – 1.3

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: <u>4/12/23</u> Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Jonathan Dalton, Director of Investigations

Signature of person authorized to file rules: *Jonathan Dalton*

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px;">  Accepted for filing by <i>27130 JSD</i> </div>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Part 2601 Chapter 1: Licensure Rules Governing the Practice of Allopathic Physicians, Osteopathic Physicians, Podiatrists, Physician Assistants, Radiologist Assistants and Acupuncturists

Rule 1.1 | Scope

These rules apply to all applicants for licensure to practice allopathic medicine, osteopathic medicine, podiatric medicine, or acupuncture in the state of Mississippi and to all individuals practicing allopathic medicine, osteopathic medicine, podiatric medicine, or acupuncture within the state whether licensed or unlicensed.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 1.2 | Definitions

For the purpose of these rules, the following terms have the meanings indicated:

- A. “Board” means the Mississippi State Board of Medical Licensure.
- B. “Physician” means any person with a valid doctor of medicine, doctor of osteopathy or doctor of podiatry degree.
- C. “LCME” means the Liaison Committee on Medical Education, the organization recognized by the American Medical Association for accrediting American medical schools.
- D. “ACGME” means Accreditation Council of Graduate Medical Education.
- E. “RCPSC” means Royal College of Physicians and Surgeons of Canada.
- F. “CCFP” means College of Family Physicians of Canada.
- G. “ABMS” means American Board of Medical Specialties.
- H. “AMA” means the American Medical Association.
- I. “FSMB” means the Federation of State Medical Boards.
- J. “FLEX” means the Federation Licensing Examination administered through the FSMB.
- K. “NBME” means National Board of Medical Examiners.
- L. “USMLE” means United States Medical Licensing Examination administered jointly through the FSMB and NBME.
- M. “SPEX” means the Special Purpose Examination administered through the FSMB.
- N. “NBOME” means the National Board of Osteopathic Medical Examiners.
- O. “COMLEX” means the Comprehensive Osteopathic Medical Licensing Examination administered through the NBOME.
- P. “COMVEX” means the Comprehensive Osteopathic Medical Variable-Purpose Examination administered through the NBOME.
- Q. “AOA” means American Osteopathic Association.
- R. “LMCC” means Licentiate of the Medical Council of Canada.
- S. “APMA” means American Podiatric Medical Association.
- T. “ABPM” means American Board of Podiatric Medicine.
- U. “ABPS” means American Board of Podiatric Surgery.
- V. “FPMB” means Federation of Podiatric Medical Boards.
- W. “CPME” means Council on Podiatric Medical Education.

- X. “NBPME” means National Board of Podiatric Medical Examiners.
- Y. “APMLE” means American Podiatric Medical Licensing Examination administered through the NBPME.
- Z. “NPDB” means National Practitioner Data Bank.
- AA. “ECFMG” means the Education Commission for Foreign Medical Graduates.
- BB. “Foreign Medical School” means any medical college or college of osteopathic medicine located outside the United States, Canada or Puerto Rico.
- CC. “IMED” means International Medical Education Directory.
- DD. “Good Moral Character” as applied to an applicant, means that the applicant has not, prior to or during the pendency of an application to the Board, been guilty of any act, omission, condition or circumstance which would provide legal cause under Sections 73-25-29 or 73-25-83, Mississippi Code, for the suspension or revocation of medical licensure.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 1.3 | Duty to Obtain License

Any physician, physician assistant, radiologist assistant or acupuncturist desiring to practice in this state must first obtain a license to do so by completing an application for licensure and submitting all requested documentation to the Board.

A physician, physician assistant, radiologist assistant or acupuncturist who is participating in or who has participated in an impaired professionals program as approved by the Board must document a two-year period of abstinence from any abusive use of mood-altering drugs, which shall include, but not be limited to, alcohol and all substances listed in Schedules I through V of the Uniform Controlled Substances Law, Mississippi Code, from the date of completion of the program before he or she is eligible for a permanent license to practice medicine, podiatry or acupuncture in Mississippi.

Prior to the issuance of, or reinstatement of a license, any physician, physician assistant, radiologist assistant or acupuncturist who has not actively practiced for a three (3) year period shall be required to participate in a Board approved assessment program, clinical skills assessment program or re-entry program to assure post-licensure competency.

A physician, physician assistant, radiologist assistant, or acupuncturist shall be deemed to have not “actively” practiced medicine if during said three (3) year period the physician, physician assistant, radiologist assistant or acupuncturist has not treated any patients for remuneration, other than friends and family.

Amended April 15, 1999. Amended May 17, 2007. Amended March 15, 2017.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).



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 13, 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 State Board of Medical Licensure - Title 30, Part 2605, Chapter 1, R. 1.1-1.4: Removal of antiquated language; Adding new rule setting requirements for IMLC applicants to provide supplemental documentation as a part of licensure process.
- Rules of the Mississippi State Board of Medical Licensure - Title 30, Part 2605, Chapter 2, R. 2.1: Revision of the regulations regarding licensure requirements for Podiatrists.
- Rules of the Mississippi State Board of Medical Licensure – Title 30, Part 2605, Chapter 3, R. 3.1: Removal of antiquated language; Updating language related to temporary licensees and the requirement to maintain and utilize their own U.S. Drug Enforcement Administration registration.
- Rules of the Mississippi State Board of Medical Licensure – Title 30, Part 2601, Chapter 2, R. 2.1: Revision to regulation to allow waiver of the one-year time limit to complete an application.
- Rules of the Mississippi State Board of Medical Licensure – Title 30, Part 2601, Chapter 1, Rules 1.1-1.3: Revision of regulation to add a definition; Removal of competency exceptions for licensees performing charity work or research.
- Rules of the Mississippi State Board of Medical Licensure – Title 30, Part 2640, Rule 1.5: Revision of regulation to allow waiver of FDA requirements for good cause.
- Mississippi Board of Nursing – Title 30, Part 2825, Chapter 2: Repeal of Chapter 2, Rules of Procedure in its entirety.
- Mississippi Board of Nursing – Title 30, Part 2826, Chapter 1, R. 1.1-1.12: Adding new regulation to implement the Mississippi Nurse Voluntary Program.