

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. 2605, Ch. 1: <i>Licensure Requirements for the Practice of Allopathic Doctors and Osteopathic Physicians</i>		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Proposed revision of the regulations regarding the licensure requirements for Allopathic and Osteopathic physicians. These changes are designed to remove antiquated language and consolidate the rules into a more reader-friendly format. The changes also add a new rule setting forth requirements for IMLC applicants to provide supplemental documentation requested as part of the licensure process.

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List all rules repealed, amended, or suspended by the proposed rule: Rules 1.1 – 1.4

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	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>07129 938</u>

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Part 2605 Chapter 1: Licensure Requirements for the Practice of Allopathic Physicians and Osteopathic Physicians

Rule 1.1 | Licensure by Credentials

The licensure requirements for licensure by credentials are as follows:

- A. Applicant must be twenty-one (21) years of age and of good moral character.
- B. Present a diploma from a reputable medical college or college of osteopathic medicine, subject to the following conditions:
 1. If the degree is from a medical college or a college of osteopathic medicine in the United States or Puerto Rico, the medical college must be accredited at the time of graduation by the LCME, a Joint Committee of the Association of American Medical Colleges (AAMC) and the AMA or the College of Osteopathic Medicine which must be accredited by the AOA.
 2. If the degree is from a Canadian medical school, the school must be accredited at the time of graduation by the LCME and by the Committee on Accreditation for Canadian Medical Schools.
 3. If the degree is from an international medical school, the medical school must be in the World Directory of Medical Schools or its equivalent. A graduate from an international medical school must either (i) possess a valid certificate from the ECFMG or (ii) document successful completion of a Fifth Pathway program and be currently board certified by a specialty board recognized by the ABMS. The Board will accept for licensure only those individuals completing Fifth Pathway Programs by December 31, 2009. Credentialing via Fifth Pathway Programs will be considered on an individual basis.
 4. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
- C. If a graduate from a medical college or college of osteopathic medicine in the United States, Canada or Puerto Rico, applicant must present documentation of having completed at least one (1) year of postgraduate training in the United States accredited by the ACGME or by the AOA; or training in Canada accredited by the RCPSC or CCFP.
- D. Applicants who graduated from an international medical school must present documentation of having completed either:
 1. three (3) or more years of ACGME-approved postgraduate training in the United States or training in Canada approved by the RCPSC or CCFP; or
 2. one (1) year of ACGME-approved postgraduate training in the United States or training in Canada approved by the RCPSC or CCFP, be currently board certified by a specialty board recognized by the ABMS and must have approval by the Board or Executive Director.
- E. An applicant who otherwise possesses all of the qualifications for licensure by credentials, but has not taken a medical proficiency examination or licensure examination

within ten (10) years prior to filing his or her application, must pass the SPEX or COMVEX*, unless the applicant:

1. Submits satisfactory proof of current certification by an ABMS and participating in Maintenance of Certification (MOC) or AOA approved specialty board and participating in Osteopathic Continuous Certification (OCC); or
 2. Submits proof that the applicant's sole purpose for seeking licensure is to serve as the Dean, Chairman of the Department or Faculty of an ACGME or AOA approved training program. In such case, a license shall remain in effect so long as licensee is a member of the faculty of the ACGME or AOA approved training program.
- F. Submit certified copy of either (i) a birth certificate or (ii) a valid passport.
- G. Submit certified copy of legal name change, if applicable.
- H. Complete an application for medical license and submit it to the Board in a manner prescribed by the Board with a recent passport type photograph.
- I. Submit fee prescribed by the Board.
- J. Submit fingerprints for state and national criminal history background checks.

Adopted September 13, 1979; amended July 1, 1981; amended January 24, 1985; amended July 29, 1985; amended July 17, 1986; amended August 18, 1986; amended November 19, 1987; amended April 19, 1988; amended October 25, 1993; amended February 16, 2000; amended March 8, 2007; amended January 24, 2008; amended March 13, 2009; amended September 17, 2009; amended October 13, 2009; and amended March 20, 2015.

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

Rule 1.2 | Waiver

Notwithstanding the above requirements for Licensure by Credentials in Rule 1.1, the Board may, upon written request by the physician and after review of all relevant factors, choose to waive any or all of the existing requirements for licensure. To be considered for a waiver, the physician must:

- A. be a graduate of an approved medical school;
- B. have a current unrestricted license in another state; and
- C. have at least 3 years of clinical experience in the area of expertise.

In determining whether to grant the waiver, factors to be considered by the Board shall include, but not be limited to:

- A. the medical school from which the physician graduated and its reputation;

* SPEX (SPECIAL PURPOSE EXAMINATION) is a cognitive examination assisting licensing jurisdictions in their assessment of current competence requisite for general, undifferentiated medical practice by physicians who hold or have held a valid license in a U.S. jurisdiction. SPEX is made available through the Federation of State Medical Boards.

COMVEX-USA (COMPREHENSIVE OSTEOPATHIC MEDICAL VARIABLE EXAMINATION) is the evaluative instrument offered to osteopathic physicians who need to demonstrate current osteopathic medical knowledge. COMVEX-USA is made available through the National Board of Osteopathic Medical Examiners.

- B. post-graduate medical education training;
- C. appointment to a clinical academic position at a licensed medical school in the United States;
- D. publication in peer-reviewed clinical medical journals recognized by the Board;
- E. the number of years in clinical practice;
- F. specialty, if the physician plans to practice in Mississippi; and
- G. other criteria demonstrating expertise, such as awards or other recognition.

Requests for waivers must be submitted in writing to the Executive Director of the Board, who will then review each request with a committee appointed by the president of the Board, taking into account the above factors. The committee shall consist of the Executive Director and two voting members of the Board. Recommendations from the committee shall be presented to the Board for approval.

Adopted April 28, 2015.

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

Rule 1.3 | Licensure Examinations

The Board recognizes four (4) separate and distinct examinations: The examinations administered by the NBME, NBOME (COMLEX), FLEX and USMLE. The Board's requirements for the purpose of licensure is as follows:

A. FLEX

An applicant had seven (7) years to pass both components of the FLEX.

B. USMLE

Steps 1, 2 and 3 must be passed within a seven-year time period beginning when the examinee passes his or her first Step. The Board, at its discretion, may waive this requirement based on extraordinary circumstances. The Board encourages all applicants to take Step 3 of the USMLE as soon as possible following receipt of the M.D. or D.O. degree.

C. NBME or NBOME

NBME and NBOME examinations are administered in three (3) parts, Parts I, II and III, and must be passed within a seven-year time period beginning when the examinee passes his or her first Part.

D. EXAM COMBINATIONS

Now that the FLEX and examinations administered by the NBME have been phased out, the Board will accept passing scores for the following combinations of the FLEX, NBME and USMLE examinations:

EXAMINATION SEQUENCE	ACCEPTABLE COMBINATIONS
NBME Part I <i>plus</i> NBME Part II <i>plus</i> NBME Part III	NBME Part I or USMLE Step 1 <i>plus</i> NBME Part II or USMLE Step 2 <i>plus</i> NBME Part III or USMLE Step 3
FLEX Component I <i>plus</i> FLEX Component II	FLEX Component I <i>plus</i> USMLE Step 3 <i>or</i> NBME Part I or USMLE Step 1 <i>plus</i> NBME Part II or USMLE Step 2 <i>plus</i> FLEX Component II
USMLE Step 1 <i>plus</i> USMLE Step 2 <i>plus</i> USMLE Step 3	

Amended January 20, 1994; amended March 16, 1995; amended August 8, 1997; amended January 18, 2001; amended September 22, 2006; amended March 8, 2007; amended May 17, 2007; amended March 19, 2015; and amended March 16, 2017.

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

Rule 1.4 | Licensure via the Interstate Medical Licensure Compact – Supplemental Information

Miss. Code Ann. §73-25-101 *et seq* establishes Mississippi’s participation in the Interstate Medical Licensure Compact (IMLC). In addition to the requirements set forth in this section, in conjunction with other requirements set forth in IMLC rules and policies, applicants for licensure under the IMLC are required to timely answer and provide any supplemental applications, questions, or other information requested by the Board in relation to the application for licensure via the IMLC.

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.