

By: Representatives Bounds, Sykes, Gibbs  
(72nd), Holloway

To: Public Health and Human  
Services

HOUSE BILL NO. 1115

1 AN ACT TO EXEMPT LICENSED HOSPICES FROM THE PROVISIONS OF ANY  
2 RULE OR REGULATION OF A LICENSING AGENCY THAT REQUIRES PRESCRIBERS  
3 OF CONTROLLED SUBSTANCES FOR PATIENTS OF THE HOSPICE WITH A  
4 TERMINAL PROGNOSIS FOR TERMINAL DISEASE PAIN TO HAVE AN IN-PERSON  
5 FACE-TO-FACE VISIT WITH THE PATIENT BEFORE ISSUING THE  
6 PRESCRIPTION; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF  
7 1972, TO CONFORM TO THE PRECEDING PROVISION; AND FOR RELATED  
8 PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** A licensed hospice in good standing shall be  
11 exempt from the provisions of any rule or regulation of a  
12 licensing agency that requires prescribers of controlled  
13 substances for patients of the hospice with a terminal prognosis  
14 for terminal disease pain to have an in-person face-to-face visit  
15 with the patient before issuing the prescription.

16 **SECTION 2.** Section 41-29-137, Mississippi Code of 1972, is  
17 amended as follows:

18 41-29-137. (a) (1) Except when dispensed directly by a  
19 practitioner, other than a pharmacy, to an ultimate user, no  
20 controlled substance in Schedule II, as set out in Section  
21 41-29-115, may be dispensed without the written valid prescription



22 of a practitioner. A practitioner shall keep a record of all  
23 controlled substances in Schedule I, II and III administered,  
24 dispensed or professionally used by him otherwise than by  
25 prescription.

26 (2) In emergency situations, as defined by rule of the  
27 State Board of Pharmacy, Schedule II drugs may be dispensed upon  
28 the oral valid prescription of a practitioner, reduced promptly to  
29 writing and filed by the pharmacy. Prescriptions shall be  
30 retained in conformity with the requirements of Section 41-29-133.  
31 No prescription for a Schedule II substance may be refilled unless  
32 renewed by prescription issued by a licensed medical doctor.

33 (b) Except when dispensed directly by a practitioner, other  
34 than a pharmacy, to an ultimate user, a controlled substance  
35 included in Schedule III or IV, as set out in Sections 41-29-117  
36 and 41-29-119, shall not be dispensed without a written or oral  
37 valid prescription of a practitioner. The prescription shall not  
38 be filled or refilled more than six (6) months after the date  
39 thereof or be refilled more than five (5) times, unless renewed by  
40 the practitioner.

41 (c) A controlled substance included in Schedule V, as set  
42 out in Section 41-29-121, shall not be distributed or dispensed  
43 other than for a medical purpose.

44 (d) An optometrist certified to prescribe and use  
45 therapeutic pharmaceutical agents under Sections 73-19-153 through  
46 73-19-165 shall be authorized to prescribe oral analgesic



47 controlled substances in Schedule IV or V, as pertains to  
48 treatment and management of eye disease by written prescription  
49 only.

50 (e) Administration by injection of any pharmaceutical  
51 product authorized in this section is expressly prohibited except  
52 when dispensed directly by a practitioner other than a pharmacy.

53 (f) (1) For the purposes of this article, Title 73, Chapter  
54 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it  
55 pertains to prescriptions for controlled substances, a "valid  
56 prescription" means a prescription that is issued for a legitimate  
57 medical purpose in the usual course of professional practice by:

58 (A) A practitioner who has conducted at least one  
59 (1) in-person medical evaluation of the patient, except as  
60 otherwise authorized by Section 1 of this act; or

61 (B) A covering practitioner.

62 (2) (A) "In-person medical evaluation" means a medical  
63 evaluation that is conducted with the patient in the physical  
64 presence of the practitioner, without regard to whether portions  
65 of the evaluation are conducted by other health professionals.

66 (B) "Covering practitioner" means a practitioner  
67 who conducts a medical evaluation other than an in-person medical  
68 evaluation at the request of a practitioner who has conducted at  
69 least one (1) in-person medical evaluation of the patient or an  
70 evaluation of the patient through the practice of telemedicine



71 within the previous twenty-four (24) months and who is temporarily  
72 unavailable to conduct the evaluation of the patient.

73 (3) A prescription for a controlled substance based  
74 solely on a consumer's completion of an online medical  
75 questionnaire is not a valid prescription.

76 (4) Nothing in this subsection ( \* \* \*f) shall apply  
77 to:

78 (A) A prescription issued by a practitioner  
79 engaged in the practice of telemedicine as authorized under state  
80 or federal law; or

81 (B) The dispensing or selling of a controlled  
82 substance pursuant to practices as determined by the United States  
83 Attorney General by regulation.

84 **SECTION 3.** This act shall take effect and be in force from  
85 and after its passage.

