

By: Representative Currie

To: Public Health and Human
Services

HOUSE BILL NO. 1397

1 AN ACT TO AUTHORIZE MEDICAL DIRECTORS OF HOSPICES TO
2 PRESCRIBE CONTROLLED SUBSTANCES FOR PATIENTS OF THE HOSPICE FOR
3 TERMINAL DISEASE PAIN WITHOUT HAVING AN IN-PERSON FACE-TO-FACE
4 VISIT WITH THE PATIENT BEFORE ISSUING THE PRESCRIPTION; TO AMEND
5 SECTION 41-29-137, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
6 PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The medical director of a licensed hospice shall
9 be authorized to prescribe controlled substances for patients of
10 the hospice for terminal disease pain without having an in-person
11 face-to-face visit with the patient before issuing the
12 prescription. This section shall supersede the provisions of any
13 rule or regulation of a licensing agency to the contrary.

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

16 41-29-137. (a) (1) Except when dispensed directly by a
17 practitioner, other than a pharmacy, to an ultimate user, no
18 controlled substance in Schedule II, as set out in Section
19 41-29-115, may be dispensed without the written valid prescription
20 of a practitioner. A practitioner shall keep a record of all



21 controlled substances in Schedule I, II and III administered,
22 dispensed or professionally used by him otherwise than by
23 prescription.

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

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

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

42 (d) An optometrist certified to prescribe and use
43 therapeutic pharmaceutical agents under Sections 73-19-153 through
44 73-19-165 shall be authorized to prescribe oral analgesic
45 controlled substances in Schedule IV or V, as pertains to



treatment and management of eye disease by written prescription only.

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

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

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

(B) A covering practitioner.

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

(B) "Covering practitioner" means a practitioner who conducts a medical evaluation other than an in-person medical evaluation at the request of a practitioner who has conducted at least one (1) in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine within the previous twenty-four (24) months and who is temporarily unavailable to conduct the evaluation of the patient.



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

74 (4) Nothing in this subsection (* * *f) shall apply
75 to:

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

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

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

