

By: Representatives Currie, Bounds, Anthony

To: Public Health and Human Services

HOUSE BILL NO. 1520  
(As Passed the House)

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 A PATIENT BEFORE ISSUING A PRESCRIPTION; TO AMEND  
5 SECTION 41-29-137, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
6 PROVISIONS OF THIS ACT; 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, in  
9 his or her discretion, may prescribe controlled substances for a  
10 patient of the hospice for terminal disease pain without having an  
11 in-person face-to-face visit with the patient before issuing the  
12 prescription. The provisions of this section supersede the  
13 provisions of any rule or regulation of a licensing agency to the  
14 contrary. This section shall stand repealed on July 1, 2021.

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

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



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

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

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

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

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



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

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

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

57 (A) A practitioner who has conducted at least one  
58 (1) in-person medical evaluation of the patient, except as  
59 otherwise authorized by Section 1 of this act through June 30,  
60 2021; 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.

