

By: Representative Turner

To: Public Health and Human Services

HOUSE BILL NO. 98

1 AN ACT TO AMEND SECTIONS 41-29-137.1 AND 41-29-137,  
2 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON  
3 THE AUTHORITY OF A HOSPICE MEDICAL DIRECTOR TO PRESCRIBE  
4 CONTROLLED SUBSTANCES FOR A PATIENT OF THE HOSPICE FOR TERMINAL  
5 DISEASE PAIN WITHOUT HAVING AN IN-PERSON FACE-TO-FACE VISIT WITH  
6 THE PATIENT BEFORE ISSUING THE PRESCRIPTION; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 41-29-137.1, Mississippi Code of 1972, is  
10 amended as follows:

11 41-29-137.1. The medical director of a licensed hospice, in  
12 his or her discretion, may prescribe controlled substances for a  
13 patient of the hospice for terminal disease pain without having an  
14 in-person face-to-face visit with the patient before issuing the  
15 prescription. The provisions of this section supersede the  
16 provisions of any rule or regulation of a licensing agency to the  
17 contrary. This section shall stand repealed on July 1, \* \* \*  
18 2024.

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



21           41-29-137. (a) (1) Except when dispensed directly by a  
22 practitioner, other than a pharmacy, to an ultimate user, no  
23 controlled substance in Schedule II, as set out in Section  
24 41-29-115, may be dispensed without the written valid prescription  
25 of a practitioner. A practitioner shall keep a record of all  
26 controlled substances in Schedule I, II and III administered,  
27 dispensed or professionally used by him otherwise than by  
28 prescription.

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

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



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

47 (d) An optometrist certified to prescribe and use  
48 therapeutic pharmaceutical agents under Sections 73-19-153 through  
49 73-19-165 shall be authorized to prescribe oral analgesic  
50 controlled substances in Schedule IV or V, as pertains to  
51 treatment and management of eye disease by written prescription  
52 only.

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

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

61 (A) A practitioner who has conducted at least one  
62 (1) in-person medical evaluation of the patient, except as  
63 otherwise authorized by Section 41-29-137.1 through June 30, \* \* \*  
64 2024; or

65 (B) A covering practitioner.

66 (2) (A) "In-person medical evaluation" means a medical  
67 evaluation that is conducted with the patient in the physical



68 presence of the practitioner, without regard to whether portions  
69 of the evaluation are conducted by other health professionals.

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

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

80 (4) Nothing in this subsection (f) shall apply to:

81 (A) A prescription issued by a practitioner  
82 engaged in the practice of telemedicine as authorized under state  
83 or federal law; or

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

87 **SECTION 3.** This act shall take effect and be in force from  
88 and after July 1, 2021.

