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MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: May 17, 2007

Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted does not differ from the proposed rule.

The changes to Regulation XXI, CME Requirements for State of Mississippi Physicians, Osteopathic Physicians and Podiatrists, reflect the Board's attempt to simplify current language.

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XXI. CME REQUIREMENTS FOR STATE OF MISSISSIPPI PHYSICIANS, OSTEOPATHIC PHYSICIANS AND PODIATRISTS

A. BASIC REQUIREMENT

Every Mississippi licensee must earn or receive not less than forty (40) hours of Category I continuing medical education in a two-year cycle as a condition precedent to renewing his or her license for the next fiscal year. Excess hours may not be carried over to another two-year cycle. *For the purpose of this regulation, the two-year period begins July 1, 2000, and every two years thereafter.*

1. Category I continuing medical education shall mean those programs of continuing medical education designated as Category I which are sponsored or conducted by those organizations approved by the Mississippi State Medical Association, American Medical Association or by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor or conduct Category I continuing medical education programs.

2. Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category I-A continuing medical education for osteopathic physicians.

3. Programs of continuing medical education designated as a "prescribed hour" which are sponsored or conducted by organizations or entities accredited by the American Academy of Family Physicians to sponsor or conduct "prescribed hours" of continuing medical education.

4. Programs of continuing medical education designated as "cognates" which are sponsored or conducted by organizations or entities which are accredited by the American College of Obstetrics and Gynecology to sponsor or conduct approved cognates on obstetrical and gynecological related subjects.

5. Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the Council on Podiatric Medical Education to sponsor or conduct Category I-A continuing medical education for podiatrists.

B. PERSONS AFFECTED

Every Mississippi licensee is required to comply with the minimum requirement for continuing medical education established by these rules and regulations.

C. EXEMPTION FOR INITIAL LICENSES

Physicians, osteopaths or podiatrists receiving their initial license to practice medicine in Mississippi after June 30, or receiving their board certification after June 30, are exempt from the minimum continuing medical education requirement for the two-year period following their receiving a license or board certification. The forty (40) hour continuing education certification will be due within the next two-year cycle.

July 1, 2000 through June 30, 2002 (1st cycle)
July 1, 2002 through June 30, 2004 (2nd cycle)
July 1, 2004 through June 30, 2006 (3rd cycle)
July 1, 2006 through June 30, 2008 (4th cycle)

For instance, a physician receiving an initial license August 3, 2001, will not have to complete forty (40) hours of CME until July 1, 2002, through June 30, 2004. All CME's must be acquired within the two-year cycle.

D. EFFECTIVE DATE

The first time for reporting continuing medical education activity will be the renewal period for the fiscal year beginning July 1, 2002, when reporting on continuing medical education work earned during the two-year period of July 1, 2000, to June 30, 2002.

E. RECORD KEEPING REQUIREMENT

1. Every licensee shall maintain records of attendance or certificates of completion demonstrating compliance with the minimum continuing medical education requirement. Documentation adequate to demonstrate compliance with the minimum continuing medical education requirements of this regulation shall consist of certificates of attendance, completion certificates, proof of registration, or similar documentation issued by the organization or entity sponsoring or conducting the continuing medical education program. These records must be maintained by the physician for a period of three (3) years following the year in which the continuing medical education credits were earned and are subject to examination by representatives of the State Board of Medical Licensure upon request. If a physician is on a hospital medical staff, it is recommended these certificates and hours be recorded with the primary hospital medical staff records.

2. With his or her annual renewal application, every licensee must certify the completion of the minimum continuing medical education requirement established under these regulations. Failure to maintain records

documenting that a physician has met the minimum continuing medical education requirement, and/or failure to provide such records upon request to the Mississippi State Board of Medical Licensure, is hereby declared to be unprofessional conduct and may constitute grounds, within the discretion of the Mississippi State Board of Medical Licensure, for the suspension of the physician's license to practice medicine.

F. ANNUAL RENEWAL

As a condition for annual renewal of license, beginning with the fiscal year July 1, 2002, through June 30, 2003, every physician, osteopath or podiatrist will be required to biennially certify on his or her annual renewal form, that he or she has earned the required 40 hours of approved Category 1 continuing medical education requirement. The Board will randomly select physicians to ensure complete compliance with this requirement. If deficiencies are identified, licensee must complete deficiencies within six (6) months of date of notification. Failure to comply may result in the suspension of licensee's license.

Any physician, osteopath or podiatrist practicing during the time of a suspended license shall be considered an illegal practitioner and shall be subject to penalties provided for violation of the Medical Practice Act, and for costs incurred in the enforcement of this regulation.

G. WAIVER

A physician, osteopath or podiatrist who is unable to meet the minimum continuing medical education requirement for legitimate cause may apply to the Mississippi State Board of Medical Licensure for a waiver of the requirement prior to April 1 of the last year of the two-year cycle. Such waiver may be granted or denied within the sole discretion of the Mississippi State Board of Medical Licensure.

H. COMPLIANCE REVIEW

It shall be the responsibility of the Mississippi State Board of Medical Licensure to enforce the provisions of this regulation by review of the records maintained by physicians subject to this rule which demonstrate compliance with the program for continuing medical education. This compliance review may be conducted by the Board by random or designated sample, by mail or in person, or otherwise at the discretion of the Board. Non-compliance may result in the suspension of the physician's license to practice medicine under the Medical Practice Act.

I. EFFECTIVE DATE OF REGULATION

The above rules and regulations pertaining to Continuing Medical Education shall become effective February 16, 2000.

Amended May 17, 2007.