



DELBERT HOSEMAN  
*Secretary of State*

**ECONOMIC IMPACT STATEMENT**

**An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Agency is encouraged to use as much space as will adequately answer all questions. A PDF version of this executed Form must be filed with any proposed rule, if required by the aforementioned statute.**

AGENCY NAME Board of Medical Licensure	CONTACT PERSON Rhonda Freeman	TELEPHONE NUMBER (601) 987-0223	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B	CITY Jackson	STATE MS	ZIP 39216
EMAIL rhonda@msbml.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Part 2640 Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing of Medications, Rule 1.5		
Specific Legal Authority Authorizing the promulgation of Rule: 73-43-11	Reference to Rules repealed, amended or suspended by the Proposed Rule: N/A		

- Describe the need for the proposed action: Because Mississippi has so few regulations and standards in the field of bariatric medicine, it has opened the door for every physician, nurse practitioner, franchised medical clinic and medical/medi spa to be able to practice bariatric medicine without expertise, treatment guidelines, oversight and/or ongoing training in the treatment of obesity. This type of open door policy can invite scams, unethical medical practices, as well as, exploitation of patients who are desperate to overcome their obesity problem. The proposed rules will ensure that patients are not just receiving excessive amounts of diet medications but are doing something about being overweight.
- Describe the benefits which will likely accrue as the result of the proposed action: Mississippi has the highest rate of obesity at 34.4% which causes significant co-morbidities and early death of the citizens of our state affected by this complex disease process. The citizens of the state of Mississippi will be protected from clinic and practitioners that are operating in this state for profit only. The physicians will have rules and better guidelines that will assist them in their treatment of obesity.
- Describe the effect the proposed action will have on the public health, safety, and welfare: Mississippi is currently rated #1 for obesity in our nation and is at the greatest risk for patient exploitation by unethical, untrained physicians, gimmicky quick fix solutions, and medical weight loss franchised clinics offering shady weight loss practices. Physicians and clinics will have to adhere to significantly higher standards and regulations in order to elevate the bariatric medicine profession and collectively give credence to medically accepted practices for managing and treating obesity.
- Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues: A minimal cost to the agency and no cost to other state or local government entities

5. Estimate the cost or economic benefit to all persons directly affected by the proposed action: A moderate cost to persons affected. A substantial economic benefit.
6. Provide an analysis of the impact of the proposed rule on small business: A very minimal impact on small business.
  - a. Identify and estimate the number of small businesses subject to the proposed regulation: unknown
  - b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record: Unknown
  - c. State the probable effect on impacted small businesses: The proposed actions require ownership by Mississippi licensed physicians.
  - d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:
    - i. The establishment of less stringent compliance or reporting requirements for small businesses;
    - ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
    - iii. The consolidation or simplification of compliance or reporting requirements for small businesses;
    - iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
    - v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations: N/A
7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule: The cost would be the same.
8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law: None
9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency: N/A
10. State reasons for rejecting alternative methods that were described in #9 above: N/A
11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection: **"American Board of Bariatric Medicine" Bariatric Medicine/Obesity Treatment Protocol Requirements**. A standard one size fits program is not the gold standard and would be considered inappropriate in a comprehensive weight management program. A customized weight management program should be implemented to best meet the needs for each patient. Comprehensive meal planning, ongoing nutritional education, exercises/physical therapy initiatives, behavior modification/lifestyle coaching have to be different for each patient and treatment may or may not include FDA approved medications.

SIGNATURE 	TITLE Bureau Director
DATE 7-20-2012	PROPOSED EFFECTIVE DATE OF RULE 30 days from final filing.