



DELBERT HOSEMANN
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) 987-3079
ADDRESS 1867 Crane Ridge Drive, Suite 200-B	CITY Jackson	STATE MS
EMAIL rhonda@msbml.ms.gov	ZIP 39216	DESCRIPTIVE TITLE OF PROPOSED RULE Part 2640 Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing of Medication, Rule 1.2 and 1.15
Specific Legal Authority Authorizing the promulgation of Rule: 73-43-11	Reference to Rules repealed, amended or suspended by the Proposed Rule: N/A	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:** Amendment to the existing regulations, Part 2640, Rule 1.2 and 1.15, is necessary to clarify the scope of ownership and operation of pain management clinics in the State of Mississippi, and thereby protecting the public.
- Describe the benefits which will likely accrue as the result of the proposed action:** To ensure that only physicians holding unrestricted licenses to practice medicine in the State of Mississippi are primarily responsible for the operation of pain management clinics and the prescription, dispensation and administration of narcotics and other controlled substances.
- Describe the effect the proposed action will have on public health safety and welfare:** By virtue of the regulation as amended, there will be greater physician oversight and accountability of narcotics and other controlled substances prescribed, dispensed or administered to patients for pain management. Enforcement of the regulation as amended will (1) ensure that narcotics and other controlled substances are only prescribed, dispensed and administered to those with legitimate medical need, (2) reduce the possibility of injury or death due to overdose, and (3) prevent diversion of narcotics and other controlled substances into the illicit market.

4. **Estimate the cost to the agency and to 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:** The proposed regulation as amended merely strengthens the existing regulations. Therefore, there will be no additional costs, i.e. employment of additional investigators, etc, as a result of implementation of the proposed regulatory changes.
5. **Estimate the cost or economic benefit to all persons directly affected by the proposed action:** There are currently 43 active and registered Pain Management Clinics in the State of Mississippi. Except where owned and/or operated by a licensed hospital, majority ownership in each clinic must be held by a physician holding an unrestricted license in the State of Mississippi. The proposed amendments, therefore, will not have any greater economic impact than the regulation as currently enforced. The purpose of the regulation is to clarify that the physician owner/operator of the pain clinic must register rather than the clinic itself.
6. **Provide an analysis of the impact of the proposed rule on small business:**

- a. **Identify and estimate the number of small businesses subject to the proposed regulation:**

It is estimated that there are 43 active and registered Pain Management Clinics currently operating in the State of Mississippi. Most, if not all, would be deemed small businesses.

- 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:**

The Mississippi State Board of Medical Licensure currently employs one individual whose part time responsibility is to maintain records regarding the registration and renewal of pain management clinics by physician owner/operators. The proposed amendments place no greater responsibility on this particular staff member than already exists. Therefore, no additional costs are being incurred.

- c. **State the probable effect on impacted small businesses:**

Because the proposed regulatory changes will not impose any greater burden on the physician owner/operator of Pain Management Clinics, it is anticipated there will be no economic impact on existing clinics (small businesses).

- 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;**

No less intrusive or less costly methods are available

- ii. **The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;**

No less stringent schedules/deadlines or reporting requirements are available

- iii. **The consolidation or simplification of compliance or reporting requirements for small businesses;**

No consolidation, simplification of compliance or reporting requirement are available

- iv. **The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and**

No less intrusive or less costly methods are available

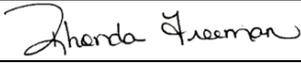
- v. **The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:**

The regulations as amended exempt clinics which prescribe controlled substances to treat pain as a result of terminal illness. Further, other entities, some of which would be deemed small businesses, which are exempt from the regulations as amended, include hospitals, state health department facilities, federally qualified community health clinics, volunteer clinics, hospice services and outpatient surgical clinics.

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:** By adopting the proposed amendments to Rule 1.2 and 1.15 for pain management clinics, thereby exempting from the registration requirements there from, licensed hospitals, state health department facilities, federally qualified community health clinics, volunteer clinics, hospice services, outpatient surgical clinics and physician/clinic practices which treat pain as a result of terminal illness, such entities will no longer have to register thus reducing probable costs and benefits.

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:** There are no less costly methods or less intrusive methods to address.

9. **Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:** No reasonable alternative methods were available or considered.
10. **State reasons for rejecting alternative methods that were described in #9 above:** Not applicable.
11. **Provide a detailed statement of the data and methodology used in making estimates required by this subsection:** The data utilized to address the proposed regulatory changes consist of the current records in possession of the Board, including applications and registrations for existing pain management clinics in the State of Mississippi. The methodology consisted of a comparative study of the existing applications with those entities which would now be exempt.

SIGNATURE 	TITLE Bureau Director
DATE 04/08/2013	PROPOSED EFFECTIVE DATE OF RULE 30 Days from final file