

MSBML Cannabis Regulations

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Our Mission

- ▶ The Board's primary objective is to ensure the protection of the health, safety and welfare of Mississippians



Top 5 Reasons for Discipline by Licensure Board

1. Prescribing, dispensing or administering controlled substances outside the course of legitimate medical practice.
2. Failure to maintain proper medical records.
3. Having been disciplined by the licensing authority of another state or jurisdiction.
4. Chemical Dependency where a licensee refuses to enter treatment or comply with the requirements of the Mississippi Physicians Health Program.
5. Failure to properly collaborate with or supervise mid-level providers.



Chapter 2: Cannabis Certification



Most regulation changes based on this statement in the Act

- ▶ *“No state agency, political subdivision or board shall implement any rule, regulation, policy, or requirement that is contrary to the provisions of the Mississippi Medical Cannabis Act.” [Section 41–137–41(3)]*



Rule 1.2 Definitions

- ▶ Bona-fide practitioner-patient relationship
 - Change in definition
- ▶ ~~Certifying~~ Practitioner
- ▶ Debilitating medical condition
- ▶ Scope of practice
- ▶ **Written Certification**
 - Date of issue and effective date
 - Patients name, DOB and address
 - Practitioners DEA number, address
 - Practitioners signature



Rule 1.3 Certification

- ▶ Must be authorized and registered with ~~both~~ the MSDH ~~and MSBML~~
- ▶ Patient has been diagnosed with a certifying condition after an in-person assessment and documented in the chart
- ▶ Only issued to a minor with parental/guardian signed consent



~~Must be registered~~ MD/DO

Medical Cannabis Registration

Medical Cannabis Information

Any physician or physician assistant who plans to certify patients for Medical Cannabis must first register with the Mississippi State Department of Health.

***Have you registered with the MS Department of Health as a certifying physician or physician assistant for Medical Cannabis?**

Yes

***Please provide your MS Department of Health registration number:**

23447

***Have you obtained the additional required 8 hours of CME related to certifying Medical Cannabis?**

Yes

Exit

Next



~~Must be registered~~ PA

Medical Cannabis Registration

Medical Cannabis Information

Any physician or physician assistant who plans to certify patients for Medical Cannabis must first register with the Mississippi State Department of Health.

***Have you registered with the MS Department of Health as a certifying physician or physician assistant for Medical Cannabis?**

Yes

***Please provide your MS Department of Health registration number:**

235446

***Please provide your primary supervising physician's registration number:**

712589

***Have you obtained the additional required 8 hours of CME related to certifying Medical Cannabis?**

Yes

Exit

Next



Treatment Plan

- ▶ ~~Review other measures that have been tried~~
- ▶ ~~Advise on other options and potential risk of using cannabis~~
- ▶ ~~Determine that patient may benefit from the use of cannabis~~
- ▶ ~~Stated goals including the reduction or elimination of controlled substances must be documented~~



Written Certification

- ▶ Bona-fide practitioner-patient relationship
- ▶ Current for 12 months unless practitioner specifies a shorter period
- ▶ In person assessment
- ▶ Minor must have parental consent



Pediatric Certification

- ▶ Only MD and DO may certify minors (<18)
- ▶ The Certifying Practitioner has explained the risk/benefits to custodial parent or guardian
- ▶ Custodial parent or guardian consents in writing:
 - Acknowledge the potential harm of cannabis
 - Allow qualifying patients use of cannabis
 - Control the acquisition of medical cannabis



Young Adult Certifications

- ▶ A patient with a qualifying condition between the ages of 18–25
- ▶ Must have 2 practitioners from separate practices (1 must be MD or DO)
- ▶ 2 practitioner rule does not apply if patient is homebound or had a previous registry prior to turning 18



Rule 1.4 Patient Record

- ▶ Must maintain a complete record of his or her assessment of the patient
- ~~▶ Must be readily available to MSBML~~
- ~~▶ Records shall be maintained for a minimum of 7 years from the date of the last certification~~



Rule 1.5 Continuing Medical Education

- ▶ Practitioners applying for the first time must have 8 CME hours in the area of medical cannabis
- ▶ After the first year, 5 hours CME in the area of medical cannabis
- ▶ Courses must be approved by MSDH
- ▶ These hours are in ~~addition~~ to standard number of CME hours required



1.6 Advertising

- ▶ ~~Advertising for cannabis certification must be professional in nature and may not be designed in such a way as to suggest that patients will obtain certification regardless of their condition or compliance with the requirements of the Act, or in any way that entices minors.~~



~~Rule 1.7 Freedom of Choice~~

~~▶ A certifying practitioner may not:~~

- ~~◉ Refer patients to a specific medical cannabis establishment~~
- ~~◉ Refer a patient to a specific registered care giver~~
- ~~◉ Hold a financial interest in a medical cannabis establishment~~



~~Rule 1.8 PMP and UDS~~

- ~~▶ Must check the PMP at each encounter involving certification, recertification or follow-up related to medical cannabis~~
- ~~▶ Must check a UDS or another drug screen test at each in-person visit for certification or recertification~~
- ~~▶ Inconsistent tests should be utilized as a tool to determine compliance~~



Rule 1.9 Concomitant Use

- ▶ ~~Generally discouraged~~
- ▶ ~~Lack of data on interactions between cannabis and controlled substances~~
- ▶ ~~Focus should be on improving patient quality of life while assessing for contraindications of concomitant use~~
- ▶ ~~Goal to reduce or eliminate controlled substances~~



FAQ:

- ▶ Am I required to become a certifying practitioner?
 - No
- ▶ Am I required to certify patients if they have a condition that meets the requirements for certification?
 - No practitioner is required to issue a written certification
- ▶ Does cannabis count in the percent of patients you are treating for pain?
 - If the diagnosis for certification is chronic pain, then yes



FAQ:

- ▶ What is a “designated caregiver”
 - A person of at least 21 years of age, registered with the Health Dept. to assist no more than 5 qualifying patients.

- ▶ What is a “designated caregiver entity”?
 - A health care facility or facility providing residential care services or day services that has agreed to serve in the role of a caregiver.



FAQ:

- ▶ If a doctor writes, “continue home meds” on admission to the hospital, how do we handle cannabis?
 - Each hospital in collaboration with its medical staff should develop its own policies on the use of inpatient cannabis.



CME Requirements

- ▶ 40 hours Category 1, every 2 years
- ▶ 5 hours towards the prescribing of controlled substances
- ▶ 5 hours of MDH-approved CME on Cannabis
- ▶ Due on even years
- ▶ New system will randomly select licensees for audit of CME



Important Take-aways

- ▶ ***“No state agency, political subdivision or board shall implement any rule, regulation, policy, or requirement that is contrary to the provisions of the Mississippi Medical Cannabis Act.”*** [Section 41–137–41(3)]
- ▶ ***The following activities related to medical cannabis are lawful: the provision of the advice or services must meet or exceed the applicable professional standard of care.***
 - [Section 41–137–9(2)(d)]



Questions

