

**BOARD REGULATION NUMBER 35–
PRESCRIBING, DISPENSING, MAINTENANCE, RECORDS,
AND INVENTORY OF CONTROLLED SUBSTANCES**

I. Authority:

The 1983 Mississippi Dental Practice Act, Miss. Code Ann., § 73-9-1, et. seq. (Supp. 1983), requires the Mississippi State Board of Dental Examiners (hereinafter the "Board") to carry out the purposes and provisions of the laws pertaining to the practice of dentistry in Mississippi. Pursuant to Miss. Code Ann. § 73-9-53 (Supp. 1983), legally licensed and registered dentists may write prescriptions for any drugs to be used in the practice of dentistry. Where dentists administer, dispense or prescribe a narcotic drug, or other drug having addiction-forming or addiction-sustaining liability other than in the course of legitimate professional practice, Miss. Code Ann. § 73-9-61 (Supp. 1983) provides for revocation or suspension of a license or a monetary penalty.

The responsibility for regulating the legitimate drug traffic among dentists has been placed upon the Mississippi Board of Dental Examiners by Miss. Code Ann. § 41-29-159 (Supp. 1990); and, in order to fulfill this duty, the Board must adopt rules and regulations providing for the reasonable regulation of drug prescriptions, dispensing, and inventories by dentists.

II. Construction and Purpose:

The abuse of drugs, which is a problem in every aspect of our lives in today's world, has also made its impact in the dental profession. The Board is cognizant of the increase in prescriptions, dispensation, and administration of narcotic drugs outside the course of legitimate professional practice.

The Board feels the burden of providing for the health, safety, and welfare of the public. The Board also recognizes that it is legally responsible for the regulation of the legitimate drug traffic among dentists. To carry out this duty, the Board is compelled to impose reasonable restrictions regarding the prescription, dispensing, and physical handling of controlled substances.

III. Definitions:

A. *Controlled Substances.* Controlled substances shall be the controlled substances in Schedule I, II, III, IV and V which are found at Mississippi Code Annotated Sections 41-29-113, 41-29-115, 41-29-117, 41-29-119, and 41-29-121, respectively. The definition of controlled substances shall include any amendments hereafter made to these sections.

B. *Dispensing Record.* A dispensing record shall be a bound volume or volumes containing only the information required in Part IV, Section B of this Regulation.

C. *Mississippi Prescription Monitoring Program.* This is the program established and maintained by the Mississippi Board of Pharmacy for the purpose of monitoring the prescribing and appropriate use of certain controlled substances and specified drugs within the State of Mississippi. The Mississippi Board of Pharmacy has been charged with defining the scope,

authority, and purpose of the Mississippi Prescription Monitoring Program or its successor.

IV. General Provisions Regarding Dispensing and Inventory Records:

Beginning December 1, 1991, every dentist licensed by the Mississippi State Board of Dental Examiners shall be required to maintain an accurate inventory and separate dispensing record of all controlled substances dispensed in their offices. The inventory shall account for all controlled substances obtained or received by the dentist's office or the dentist regardless of whether the said controlled substances were purchased or obtained at no cost.

- A. The receipt of inventory shall reflect in every case the following information:
 - 1. the date of receipt of the controlled substance;
 - 2. the name and address of the person or business from whom the controlled substance was received;
 - 3. the name of the controlled substance received;
 - 4. the strength of the controlled substance received;
 - 5. the quantity of the controlled substance received.
- B. The dispensing records shall contain the following information.
 - 1. the name of the controlled substance dispensed or administered;
 - 2. the date the controlled substance was dispensed or administered;
 - 3. the method by which the controlled substance was dispensed (i.e., administered in office or released to patient);
 - 4. the strength of the controlled substance dispensed or administered;
 - 5. the quantity of the controlled substance dispensed or administered;
 - 6. the name of the patient to whom the controlled substance was dispensed;
 - 7. the address of the patient to whom the controlled substance was dispensed;
 - 8. the identity of staff member who dispensed or administered the controlled substance to said patient.
- C. Patient medication records shall include a reference to the corresponding entry made in the dispensing records.
- D. If breakage or wastage of a controlled substance occurs, the amount of the wastage must be recorded and the disposal of the wastage shall be witnessed by at least two (2) staff members.
- E. The inventory and separate dispensing record required by this rule shall be kept in the office of the dentist for a period of five (5) years from the date the controlled substances are dispensed and shall be made available for inspection by agents of the Mississippi State Board of Dental Examiners or any law enforcement agency.
- F. Failure to maintain and make available the inventory and separate dispensing record required by this rule shall be considered a failure to maintain effective control against diversion of controlled substances into other than legitimate dental channels and shall subject the Mississippi licensed dentist to disciplinary action.

- G. Whenever any dentist desires or is required to dispose of any controlled substances located in his office; he shall do so in accordance with the procedure for the disposing of controlled substances established by the United States Department of Justice, Drug Enforcement Administration or pursuant to any rules or regulations promulgated by that agency.
- V. General Provisions Regarding Schedule II Medications:
- A. No Schedule II medications shall be prescribed or dispensed for acute non-cancer pain for more than seven (7) days.
- B. Prior to prescribing, administering, or dispensing greater than a three (3) day supply of Schedule II medications, every dentist licensed by the Mississippi State Board of Dental Examiners shall be required to query the Mississippi Prescription Monitoring Program, as heretofore defined, to determine the patient's current prescription status.
- C. The patient's treatment record shall include a reference that the dentist conducted a query of the Mississippi Prescription Monitoring Program prior to prescribing, administering, or dispensing greater than a three (3) day supply of any Schedule II medications.
- D. Every licensed dentist who prescribes, administers, or dispenses any controlled substance within the State of Mississippi, or who proposes to engage in the prescribing, administering, or dispensing of any controlled substance within the State of Mississippi shall be required to complete the continuing education outlined in Board Regulation 41 regarding the prescribing of opioids.
- E. During the conduct of any investigation undertaken by the Board, its staff, or its members, a query of the Mississippi Prescription Monitoring Program shall be conducted to ensure compliance with this Regulation.
- F. Failure to comply with the aforementioned requirements shall subject the Mississippi licensed dentist to disciplinary action.
- VI. Registration with the Mississippi Prescription Monitoring Program:

Effective July 1, 2017, every dentist licensed by the Mississippi State Board of Dental Examiners who prescribes, administers, or dispenses any controlled substance within the State of Mississippi, or who proposes to engage in the prescribing, administering, or dispensing of any controlled substance within the State of Mississippi, must be registered with the Mississippi Prescription Monitoring Program (PMP), such program as heretofore defined. Once registered with the PMP, Mississippi licensed dentists shall adhere to all guidelines, protocols, and restrictions adopted by the PMP. Failure to do so shall subject the Mississippi licensed dentist to disciplinary action.

Regulation Thirty-Five adopted by the Mississippi State Board of Dental Examiners October 25, 1991; amended September 25, 1992; amended June 7, 1994; amended February 7, 1997; amended April 1, 2016; amended November 10, 2017.