

MISSISSIPPI BOARD OF PHARMACY

MINUTES

March 25, 2021

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, March 25, 2021 at the Hilton Hotel conference room, 1001 East County Line Road, Jackson, MS 39211. The meeting was held at the Hilton Hotel to accommodate the spacing needed due to COVID restrictions. The following members were present: Jillian Foster - President, John T. Barrett - Secretary, James L. Calvert - Vice-President, Ryan Harper, Guy Phillips and Tony Waits. Board member Ronnie Bagwell was absent.

CONSENT AGENDA

The following items were reviewed by Board members and approved without objection.

- ❖ The Agenda for this meeting and the Website Declaration of this meeting shall be placed in the minutes. See attached.
- ❖ Minutes for the January 21, 2021 of the Mississippi Board of Pharmacy.
- ❖ Requests for approval of the following pharmacy continuing education programs:
 - PROGRAM NUMBER 001-022-021-001, **“Casirivimab Plus Imdevimab for outpatient treatment of COVID 19”**, as requested by Brett Lambert for 0.5 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 001-022-021-002, **“Bamlanivimab”**, as requested by Brett Lambert for 0.5 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 001-022-025-001, **“Bad Bugs and Tough Blood”**, as requested by Brett Lambert for 1 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 001-027-021-001, **“Inpatient Management of Pain; Palliative and Hospice Care”**, as requested by Jon Arnold for 0.5 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 001-027-021-002, **“Considerations for Healthcare Personnel: Interactions with Transgender Population”**, as requested by Jon Arnold for 0.5 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 001-027-021-003, **“Opioid Stewardship: Being your own opioid steward”**, as requested by Lindsey Lepard Arnold for 1 clock hour of LIVE and Opioid/ Addiction pharmacist continuing education credit.
 - PROGRAM NUMBER 002-001-021-001, **“Diabetes Coalition of Mississippi”**, as requested by Julia Woods for 1 clock hour of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER 002-005-021-001, **“Opioid Use Disorderi”**, as requested by Ron Welch for 1 clock hour of LIVE and Opioid/Addiction pharmacist continuing education credit.
- PROGRAM NUMBER 002-024-021-001, **“Overview of Common Pediatric Conditions”**, as requested by Grace Orman for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 002-024-021-002, **“2021 MPHA Spring Journal”**, as requested by MPHA for 1 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 002-025-021-001, **“2020 AHA CPR Guidelines/Crash Cart Overview”**, as requested by Grace Orman for 0.5 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 002-025-021-002, **“Overview of Prosthetic Heart Valves”**, as requested by Grace Orman for 0.5 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 003-002-021-001, **“Pulmonary Topic Tuesday”**, as requested by Lauren Easley for 1 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 003-003-021-001, **“New Drug Arrivals”**, as requested by Jon Arnold for 0.5 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 003-003-021-002, **“2020 Leading Publications within institute for Safe Medication Practices (ISMP) Newsletters”**, as requested by Jon Arnold for 0.5 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 003-003-021-003, **“The Heart Matter: Reviewing Pertinent Update to the 2017 ACC Expert Consensus Decision Pathway for Optimization of Heart Failure Treatment”**, as requested by Lindsey Lepard for 1 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 003-018-021-001, **“Lipoglycopeptides in Deep Seated infections”**, as requested by Ruiqi Feng for 1 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER 003-022-021-002, **“Clinical Pearls Presentaion”**, as requested by Lauren Easley for 1 clock hour of pharmacist continuing education credit.

❖ Approval of Issuance of Pharmacists Licenses

❖ Consultant Waiver Requests:

- Darian Stephens

❖ Requests for Travel:

- MIPA – Fairhope, AL April 16-18, 2021 Susan and Board Members
- MPHA – Gulfport, MS June 3-5, 2021-Susan, Raymond and Board Members
- NABP Annual meeting – virtual May 13-15, 2021 Susan and Jillian are delegate and alternate at no charge, any other Board Members

❖ Association Memberships for staff:

- Charlene Williams
 - PRAM
 - Government Social Media
- Todd Dear
 - ASHP
- Compliance Division, Todd Dear, Susan McCoy
 - NADDI
- Susan McCoy, Todd Dear, Steve Parker
 - NCPA
- Board and Staff
 - NABP

❖ Declaration of the Mississippi Board of Pharmacy:

- The Mississippi Board of Pharmacy (Board) hereby declares that Gabapentin shall be considered a specified noncontrolled substance pursuant to Mississippi Code Annotated Section 73-21-127(b). As such, all prescriptions for Gabapentin that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location, shall be reported to the Mississippi Prescription Monitoring Program. This declaration shall take effect May 7, 2027 and continue until declared otherwise by the Board.

❖ The Board waved the LIVE Continuing Education Requirement for renewal year 2021.

CONCLUSION OF CONSENT AGENDA

EXECUTIVE DIRECTOR REPORT

Susan McCoy, Executive Director, reported to the Board concerning day to day activities of the agency.

REGULATION WORKING GROUP

The following regulation amendments were presented to the Board for consideration:

- Article XL Pharmacy Technicians (see attached)
Without objection, the Board approved its intent to adopt the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Article XLV Pharmacy Benefit Manager (see attached)
Without objection, the Board approved its intent to adopt the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.

GENERAL BUSINESS

The Board heard a presentation from Walgreen's requesting the pharmacy technician to pharmacist ratio be increased from 3:1 to 5:1 during the pandemic to allow for greater administration of the COVID vaccine. The Board took no action on this request.

RESPONDENTS

Joshua K. McClenty, Pharmacy Technician Registration Number PT-220934
After an administrative hearing on this matter, the Board issued the attached Order.

Ochsner Medical Center - Hancock, Permit to Operate a Pharmacy Number 00375/3.1
After an administrative hearing on this matter, the Board issued the attached Order.

Ronald D. Edwards, License to Practice Pharmacy, Certificate of Registration Number E-08929
After an administrative hearing on this matter, the Board issued the attached Order.

Mary A. Story, License to Practice Pharmacy, Certificate of Registration Number T-09038
After an administrative hearing on this matter, the Board issued the attached Order.

Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894
After an administrative hearing on this matter, the Board issued the attached Order.

Megan E. Moss, Pharmacy Technician Registration Number PT-221780
After an administrative hearing on this matter, the Board issued the attached Order.

Chad M. Burch, License to Practice Pharmacy, Certificate of Registration Number E-16079
After an administrative hearing on this matter, the Board issued the attached Order.

PETITIONERS

Brandi Cornelius, Pharmacy Intern/Extern Registration Number IE-07215
After an administrative hearing on this matter, the Board issued the attached Order.

Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433
After an administrative hearing on this matter, the Board issued the attached Order.

Briannica Thomas, Pharmacy Intern/Extern Registration Number IE-8516
After an administrative hearing on this matter, the Board issued the attached Order.

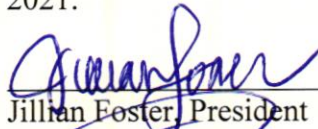
Erica V. Newburn, Pharmacy Intern/Extern Registration Number IE-08419
After an administrative hearing on this matter, the Board issued the attached Order.


Marcus D. Kendall, License to Practice Pharmacy, Certificate of Registration Number T-010833
After an administrative hearing on this matter, the Board issued the attached Order.

Yolanda M. Buie, License to Practice Pharmacy, Certificate of Registration Number E-08440
After an administrative hearing on this matter, the Board issued the attached Order.


The Board adjourned at 2:23 p.m.

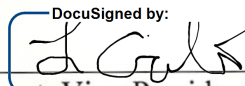
These March 25, 2021, MINUTES of the Board are hereby approved this the 20th day of May 2021.

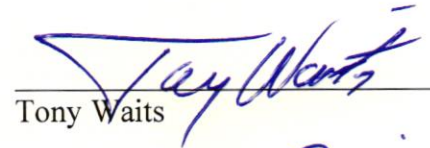

Jillian Foster, President

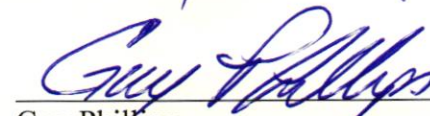

J. Todd Barrett, Secretary


Ryan Harper


Ronnie Bagwell

DocuSigned by:

James L. Calvert, Vice President


Tony Waits


Guy Phillips

Mississippi Board of Pharmacy
March 25, 2021

AGENDA

I. CALL TO ORDER/ESTABLISH A QUORUM

- PRAYER AND PLEDGE
- WELCOME AND SPECIAL INTRODUCTIONS

II. CONSENT AGENDA & WEBSITE DECLARATION

- APPROVE AND SIGN MINUTES
- CONTINUING EDUCATION REQUEST
- APPROVE ISSUANCE OF PHARMACIST LICENSES
 - Consultant Waiver Requests-Darian Stephens
- APPROVE BOARD MEETING AND IRC MEETING DATES
- TRAVEL REQUESTS-
 - MIPA – Fairhope, AL April 16-18, 2021 Susan and Board Members
 - MPHA – Gulfport, MS June 3-5, 2021-Susan, Raymond and Board Members
 - NABP Annual meeting – virtual May 13-15, 2021 Susan and Jillian are delegate and alternate at no charge, any other Board Members
- ASSOCIATION MEMBERSHIPS FOR STAFF
 - Charlene Williams
 - 1. PRAM
 - 2. Government Social Media
 - Todd Dear
 - 1. ASHP
 - Compliance Division, Todd Dear, Susan McCoy
 - 1. NADDI
 - Susan McCoy, Todd Dear, Steve Parker
 - 1. NCPA
 - Board and Staff
 - 1. NABP

- DRUGS OF CONCERN REPORTING TO THE PMP (GABAPENTIN)
- WAIVE LIVE CE REQUIREMENT FOR 2021

III. EXECUTIVE DIRECTOR REPORT

IV. REGULATION WORKING GROUP

- Article XL Pharmacy Technicians
- Article XLV Pharmacy Benefit Manager

V. GENERAL BUSINESS

- Walgreen's Tech Ratio

VI. RESPONDENTS

- | | |
|----------------------------------|------------|
| • Joshua McClenty | Surrender |
| • Ochsner Medical Center Hancock | Settlement |
| • Ronald Edwards | Settlement |
| • Mary Story | Respondent |
| • Whitney Harris | Respondent |
| • Megan Moss | Respondent |
| • Chad Burch | Respondent |

VII. PETITIONERS

- | | |
|--------------------|------------|
| • Marcus Kendall | Petitioner |
| • Brett Balderson | Petitioner |
| • Brandi Cornelius | Petitioner |
| • Yolonda Buie | Petitioner |
| • Erica Newburn | Petitioner |
| • Briannica Thomas | Petitioner |

TITLE 30: PROFESSIONS AND OCCUPATIONS
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

ARTICLE XL PHARMACY TECHNICIANS

~~1. INTRODUCTION~~

~~Section 73-21-83, paragraph (2), Mississippi Code of 1972, Annotated, specifies that a license to practice pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. The "Practice of pharmacy" shall mean a health care service that includes, but is not limited to, the compounding, dispensing, and labeling of drugs or devices; interpreting and evaluating prescriptions; administering and distributing drugs and devices; maintaining prescription drug records; advising and consulting concerning therapeutic values, content, hazards and uses of drugs and devices; initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved by the Board; selecting drugs; participating in drug utilization reviews; storing prescription drugs and devices; ordering lab work in accordance with written guidelines or protocols as defined by Section 73-21-73, paragraph (1), Mississippi Code of 1972, Annotated; providing pharmacotherapeutic consultations; supervising supportive personnel and such other acts, services, operations or transactions necessary or incidental to the conduct of the foregoing.~~

~~The only other persons who may perform the above tasks other than a licensed pharmacist, and then only under the direct supervision of a pharmacist, are the following:~~

- ~~A. A pharmacy intern; and~~
- ~~B. A pharmacy extern.~~

~~2. PHARMACY TECHNICIAN REGISTRATION~~

~~Every person who intends to serve as a pharmacy technician must obtain a pharmacy technician registration from the Board. To obtain a pharmacy technician registration the applicant shall meet the following conditions for each Pharmacy Technician Registration issued after April 1, 2011:~~

- ~~A. Have attained eighteen (18) years of age;~~
- ~~B. Be a high school graduate or hold GED equivalent and furnish copy of such certificate to the Board;~~
- ~~C. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;~~
- ~~D. Have submitted a written application including a passport quality photo on a form(s) prescribed by the Board;~~
- ~~E. Have paid the initial registration fee not to exceed one hundred dollars (\$100.00); and~~
- ~~F. Have paid all fees associated with the criminal background check;~~

~~No Pharmacist whose license has been denied, Revoked, Suspended, or restricted for disciplinary reasons shall be eligible to be registered as a Pharmacy Technician.~~

~~3. PHARMACY TECHNICIAN REGISTRATION RENEWAL~~

~~Each pharmacy technician shall renew his/her registration annually. To renew his/her registration, a technician shall:~~

- ~~A. Submit an application on the form prescribed by the Board;~~
- ~~B. Pay a renewal fee not to exceed one hundred dollars (\$100.00) for the registration period April 1, 2011 through March 31, 2012 and annually thereafter;~~
- ~~C. Have successfully passed the Pharmacy Technician Certification Board Exam or a Pharmacy Technician exam approved by the Board if the registration was obtained after April 1, 2011. This Certification must be maintained as specified or required by the examining authority; and~~
- ~~D. If the registration was obtained after April 1, 2011, provide proof of a current approved certification.~~

~~Any pharmacy technician registration that has not been renewed by March 31 of each registration period becomes null and void after that date. The pharmacy technician shall not perform any pharmacy technician duties in the pharmacy dispensing or drug storage area until such time as the registration is renewed. Any Pharmacy technician renewal application postmarked after March 31 of the renewal period shall be returned and a fifty dollar (\$50) late renewal fee shall be assessed prior to renewal.~~

~~The pharmacist in charge shall validate all pharmacy technician registrations on or before March 31 of each year, assuring that all such registrations are current and in good standing.~~

~~4. PHARMACY TECHNICIAN RESPONSIBILITIES AND GUIDELINES~~

~~It has been determined by the Board that three (3) technicians on duty performing technician related work directly related to the dispensing of medications are sufficient for each licensed pharmacist on duty. Support personnel used solely for clerical duties such as filing prescriptions, delivery and general record keeping need not be included in the ratios of the functions performed by a pharmacy technician.~~

~~In order to adequately protect the public health, technicians shall not:~~

- ~~A. Communicate, orally or in writing, any medical, therapeutic, clinical, or drug information or communicate any information recorded on a patient profile that requires professional judgment;~~
- ~~B. Accept by oral communication a new prescription of any nature;~~
- ~~C. Prepare a copy of a prescription or read a prescription to another person;~~
- ~~D. Provide a prescription or medication to a patient without a pharmacist's verification as to the accuracy of the dispensed medication. For the purposes of this regulation, verification shall mean that the licensed pharmacist shall be aware of the patient's medication profile, Drug Utilization Review, computer overrides, and drug interactions as well as the accuracy of the selected medication and labeling;~~

- ~~E. Counsel a patient on medications or perform a drug utilization review;~~
- ~~F. Perform any task that requires the professional judgment of a pharmacist; or~~
- ~~G. Perform any task that is in violation of any federal or state pharmacy or drug laws.~~

~~Persons registered with the Board as a pharmacy technician, under the direct supervision of a registered pharmacist may perform approved tasks as follows:~~

- ~~A. Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, vending, or barter any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Mississippi, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals. This shall also include the adding of water for reconstitution of oral antibiotic liquids.~~
- ~~B. Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.~~
- ~~C. Taking from and replacing upon shelves in the prescription department of a pharmacy, drugs, medicines, chemicals, or poisons which are required by the law of the United States or the State of Mississippi to be sold or dispensed only on prescription of a practitioner authorized by law to prescribe them.~~
- ~~D. Entering information into the pharmacy computer. The pharmacy technician shall not make any judgmental decisions, which could affect patient care. The final verification of prescription information entered into the computer shall be made by the supervising pharmacist who is then totally responsible for all aspects of the data and data entry.~~
- ~~E. Obtaining prescriber authorization for prescription refills provided that nothing about the prescription is changed.~~
- ~~F. Prepackaging and labeling of multi dose and unit dose packages of medication. The pharmacist must establish the procedures, including selection of containers, labels and lot numbers, and must check the finished task.~~
- ~~G. Dose picking for unit dose cart fill for a hospital or for a nursing home patient.~~
- ~~H. Checking and inspecting nursing units in a hospital or nursing home: Pharmacy technicians may check nursing units for proper medication storage and other related floor stock medication issues. Any related medication storage problems or concerns shall be documented and initialed by a pharmacist.~~
- ~~I. Recording patient or medication information in electronic systems for later validation by the pharmacist.~~
- ~~J. Bulk reconstitution of prefabricated non injectable medication.~~
- ~~K. Bulk compounding. This category may include such items as sterile bulk solutions for small volume injectables, sterile irrigating solutions, products prepared in relatively large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital.~~
- ~~L. Preparation of parenteral products as follows: The pharmacy technician must follow guidelines established by the pharmacist as established by policy and procedures. Pharmacy technicians may perform functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. Pharmacy technicians may perform functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising pharmacist must verify the accuracy in all instances.~~

~~Pharmacy Technicians in an institutional setting may conduct patient medication histories without the direct supervision of a pharmacist. The institution must have policies and procedures and training protocols to govern such tasks.~~

~~Every person acting or serving as a pharmacy technician shall wear a name tag, while on duty, identifying him or her as such. When communicating by telephone, the pharmacy technician shall promptly identify him or her as such.~~

~~Pharmacy Technicians shall perform such duties as authorized by these regulations and perform other duties as assigned by the pharmacists.~~

~~Each technician registered by the Board shall notify the Board in writing within ten (10) days of change of employment or change of address. The notification shall contain his/her name, new mailing address, registration number, the name of the pharmacy where formerly employed, and the name of the pharmacy where currently employed or the current employment status. Failure to Notify the Board of any changes may result in disciplinary action by the Board.~~

~~In the dispensing of drugs from a pharmacy, it shall be the responsibility of the supervising pharmacist on duty to require that any technician under his/her supervision complies with this Article. Performance by pharmacy technicians of tasks outlined in paragraph 1., above shall constitute the practice of pharmacy without a license and is a violation of the Mississippi Pharmacy Practice Act.~~

1. PHARMACY TECHNICIAN REGISTRATION.

Every person who acts or serves as a pharmacy technician must obtain a pharmacy technician registration from the Board in compliance with Mississippi Code Annotated Section 73-21-111. In addition to the requirements of Mississippi Code Annotated Section 73-21-111, an applicant for pharmacy technician shall be at least eighteen (18) years of age and be a high school graduate or hold a GED equivalent. No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary reasons shall be eligible to be registered as a pharmacy technician.

2. PHARMACY TECHNICIAN REGISTRATION RENEWAL.

Each pharmacy technician shall renew his/her registration annually pursuant to Mississippi Code Annotated Section 73-21-111. A pharmacy technician registration that has not been renewed by March 31 of each year shall become inactive and the pharmacy technician shall not perform any pharmacy technician duties until the registration is renewed. Pharmacy technician registrations that are renewed after March 31 of the renewal period shall be charged a Fifty Dollar (\$50) late renewal fee.

3. PHARMACY TECHNICIAN RESPONSIBILITIES AND GUIDELINES.

A. In order to adequately protect the public health, pharmacy technicians shall not:

- a. Communicate, orally or in writing, any medical, therapeutic, clinical, or drug information or communicate any information recorded on a patient profile that requires professional judgment.
- b. Accept by oral communication a new prescription of any nature.
- c. Prepare a copy of a prescription or read a prescription to another person.
- d. Provide a prescription or medication to a patient without a pharmacist's verification as to the accuracy of the dispensed medication. For the purposes of this regulation, verification shall mean that the licensed pharmacist shall be aware of the patient's medication profile, Drug Utilization Review, computer overrides, and drug interactions as well as the accuracy of the selected medication and labeling.
- e. Counsel a patient on medications or perform a drug utilization review.
- f. Perform any task that requires the professional judgment of a pharmacist.
- g. Perform any task that is in violation of any federal or state pharmacy or drug laws.

B. Persons registered with the Board as a pharmacy technician may perform approved tasks under the direct supervision of a registered pharmacist as follows:

- a. Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, vending, or barter any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Mississippi, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals. This shall also include the adding of water for reconstitution of oral antibiotic liquids.
- b. Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.
- c. Taking from and replacing upon shelves in the prescription department of a pharmacy, drugs, medicines, chemicals, or poisons which are required by the law of the United

- States or the State of Mississippi to be sold or dispensed only on prescription of a practitioner authorized by law to prescribe them.
- d. Entering information into the pharmacy computer. The pharmacy technician shall not make any judgmental decisions, which could affect patient care. The final verification of prescription information entered into the computer shall be made by the supervising pharmacist who is then totally responsible for all aspects of the data and data entry.
 - e. Obtaining prescriber authorization for prescription refills provided that nothing about the prescription is changed.
 - f. Prepackaging and labeling of multi-dose and unit-dose packages of medication. The pharmacist must establish the procedures, including selection of containers, labels and lot numbers, and must check the finished task.
 - g. Dose picking for unit dose cart fill for a hospital or for a nursing home patient.
 - h. Checking and inspecting nursing units in a hospital or nursing home: Pharmacy technicians may check nursing units for proper medication storage and other related floor stock medication issues. Any related medication storage problems or concerns shall be documented and initialed by a pharmacist.
 - i. Recording patient or medication information in electronic systems for later validation by the pharmacist.
 - j. Bulk reconstitution of prefabricated non-injectable medication.
 - k. Bulk compounding. This category may include such items as sterile bulk solutions for small volume injectables, sterile irrigating solutions, products prepared in relatively large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital.
 - l. Preparation of parenteral products as follows: The pharmacy technician must follow guidelines established by the pharmacist by policy and procedures. Pharmacy technicians may perform functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. Pharmacy technicians may perform functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising pharmacist must verify the accuracy in all instances.
 - m. Pharmacy Technicians in an institutional setting may conduct patient medication histories without the direct supervision of a pharmacist. The institution must have policies and procedures and training protocols to govern such tasks.
- C. Every person acting or serving as a pharmacy technician shall wear a name tag, while on duty, identifying him or her as a pharmacy technician. When communicating by telephone, the pharmacy technician shall promptly identify himself or herself as a pharmacy technician.
- D. Each pharmacy technician registered by the Board shall be responsible to maintain current information in the Board's licensing system. Each pharmacy technician shall update any change of employment or change of residential address within ten (10) days of the change occurring. If the pharmacy technician becomes unemployed, the pharmacy technician shall update the employment status to unemployed within ten (10) days of becoming

unemployed. Failure to update information changes in the Board's licensing system may result in disciplinary action by the Board.

4. RESPONSIBILITY OF SUPERVISING PHARMACIST AND PHARMACIST-IN-CHARGE.

- A. It is the responsibility of the supervising pharmacist on duty to require that all pharmacy technicians under his/her supervision comply with this Article.
- B. It is the responsibility of the pharmacist-in-charge to ensure that all pharmacy technicians performing pharmacy technician duties have valid pharmacy technician registrations.
- C. It is the responsibility of the pharmacist-in-charge to ensure that the technician is certified, has completed an accredited training program, or provides a training program for a pharmacy technician that includes pharmacy terminology, pharmacy calculations, dispensing systems and labeling requirements, pharmacy laws and regulations, record keeping and documentation, proper handling and storage of medications, pharmaceutical diversion awareness, and medication safety.
- D. A pharmacist may not supervise more than three (3) pharmacy technicians during a given time. Any pharmacist that supervises more than three (3) pharmacy technicians during a given time is subject to disciplinary action by the Board. Support personnel used solely for clerical duties such as filing prescriptions and general record keeping need not be included in the pharmacist to pharmacy technician supervision ratio.

TITLE 30: PROFESSIONS AND OCCUPATIONS
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS
ARTICLE XLV PHARMACY BENEFIT MANAGER

~~In addition to all other applicable sections of the Mississippi Code of 1972, ARTICLE XLV of the Mississippi Board of Pharmacy Regulation pertains specifically to Pharmacy Benefit Managers.~~

~~1. DEFINITIONS~~

~~A. "Board" means the State Board of Pharmacy.~~

~~B. "Commissioner" means the Mississippi Commissioner of Insurance.~~

~~C. "Day" means a calendar day, unless otherwise defined or limited.~~

~~D. "Electronic claim" means the transmission of data for purposes of payment of covered prescription drugs, other products and supplies, and pharmacist services in an electronic data format specified by a pharmacy benefit manager and approved by the department.~~

~~E. "Electronic adjudication" means the process of electronically receiving, reviewing and accepting or rejecting an electronic claim.~~

~~F. "Enrollee" means an individual who has been enrolled in a pharmacy benefit management plan.~~

~~G. "Health insurance plan" means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer, unless preempted as an employee benefit plan under the Employee Retirement Income Security Act of 1974. However, "health insurance coverage" shall not include benefits due under the workers compensation laws of this or any other state.~~

~~H. "Pharmacy benefit manager" means a business that administers the prescription drug/device portion of pharmacy benefit management plans or health insurance plans on behalf of plan sponsors, insurance companies, unions and health maintenance organizations. For purposes of Sections 73-21-151 through 73-21-159, a "pharmacy benefit manager" shall not include an insurance company that provides an integrated health benefit plan and that does not separately contract for pharmacy benefit management services. The pharmacy benefit manager of the Mississippi State and School Employees Health Insurance Plan or the Mississippi Division of Medicaid or its contractors when performing services for the Division of Medicaid shall not be subject to Sections 73-21-151 through 73-21-159 because of those activities, but, if they are conducting business as a pharmacy benefit manager other than with those agencies, they shall be subject to Sections 73-21-151 through 73-21-159 for those activities only.~~

~~I. "Pharmacy benefit management plan" means an arrangement for the delivery of pharmaceutical services in which a pharmacy benefit manager undertakes to administer the payment or reimbursement of any of the costs of pharmacist's services for an enrollee on a prepaid or insured basis which (i) contains one or more incentive arrangements intended to influence the cost or level of pharmaceutical services between the plan sponsor and one or more pharmacies with respect to the delivery of pharmacist's services; and (ii) requires or creates benefit payment differential incentives for enrollees to use under contract with the pharmacy benefit manager. A pharmacy benefit management plan does not mean any employee welfare benefit plan if preempted by the Employee Retirement Income Security Act of 1974, which is selfinsured or self funded, the Mississippi State and School Employees Health Insurance Plan or the programs operated by the Mississippi Division of Medicaid.~~

~~J. "Pharmacist", "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.~~

~~K. "Uniform claim form" means a form prescribed by rule by the State Board of Pharmacy, provided however that, for purposes of Sections 73-21-151 through 73-21-159, the board shall adopt the same definition or rule where the State Department of Insurance has adopted a rule covering the same type of claim. The board may modify the terminology of the rule and form when necessary to comply with the provisions of Sections 73-21-151 through 73-21-159.~~

~~L. "Plan sponsors" means the employers, insurance companies, unions and health maintenance organizations that contract with a pharmacy benefit manager for delivery of prescription services.~~

~~2. LICENSE REQUIRED BEFORE CONDUCTING BUSINESS AS PHARMACY BENEFIT MANAGER; PHARMACY BENEFIT MANAGERS TO FILE CERTAIN FINANCIAL STATEMENTS WITH STATE BOARD OF PHARMACY; TIME PERIOD FOR FILING STATEMENTS~~

~~A. Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license from the board. To obtain a license, the applicant shall submit an application to the board on a form prescribed by the board.~~

~~a. Contents of Application shall include:~~

- ~~i. The identity of the pharmacy benefits manager and any company or organization controlling the operation of the pharmacy benefits manager, including the name, business address, and contact person, for the pharmacy benefit manager and the controlling entity.~~
- ~~ii. A "Certificate of Good Standing" from the Mississippi Secretary of State and, if applicable, a Mississippi "Certificate of Existence".~~

- ~~iii. In the case of pharmacy benefit managers domiciled out of the State of Mississippi, a certificate that the pharmacy benefits manager, company or organization is in good standing in the state of domicile or organization.~~
- ~~iv. A report of the details of any suspension, sanction, penalty or other disciplinary action relating to the pharmacy benefits manager, controlling company or organization, in the State of Mississippi or any other state, territory or country.~~
- ~~v. The pharmacy benefit manager shall report all previous and future data security breaches and HIPAA security breaches.~~
- ~~vi. The name and address of the agent of record or for services of process for the pharmacy benefit manager in Mississippi.~~
- ~~vii. A list of the pharmacy benefit manager's principal owners.~~
- ~~viii. The geographical services area of the pharmacy benefit manager.~~
- ~~ix. A list of all entities on whose behalf the pharmacy benefit manager has contracts or agreements to provide pharmacy benefit services.~~
- ~~x. The number of total enrollees or lives served under all of the pharmacy benefit manager's contracts or agreements in Mississippi and nationwide.~~
- ~~xi. A contingency plan describing how contracted pharmacy benefit services will be provided in the event of insolvency of the pharmacy benefit manager.~~
- ~~xii. The most recently concluded fiscal year-end financial statements for the pharmacy benefit manager and its controlling company or organization, which statements have been audited by an independent certified public accountant (CPA) under U.S. generally accepted accounting principles (GAAP).~~
- ~~xiii. The names and addresses of the public accounting firm and internal accountant(s) preparing or assisting in the preparation of such financial statements.~~
- ~~xiv. A certificate signed by the Chief Executive Officer of the pharmacy benefit manager attesting to the accuracy of the information contained in the filing.~~
- ~~xv. The Pharmacy Benefit Manager license shall be an annually renewable license expiring on January 1st of each calendar year.~~
- ~~xvi. A non-refundable license fee of \$500.00 must accompany each application for the application to be considered complete.~~
- ~~xvii. 'Pro rata' pharmacy benefit manager licenses are not allowed by the Board.~~
- ~~xviii. A completed application for renewal of a Pharmacy Benefit Manager license must be received at the offices of the Board no later than December 31st annually.~~

- ~~xix. In the event that a pharmacy benefit manager license renewal is received after December 31st, a \$500.00 late fee will be assessed and payment must be received by the Board before a license will be issued.~~
- ~~xx. A monetary penalty of \$1000.00 per day may be imposed upon any Pharmacy Benefit Manager that practices or conducts business in the State of Mississippi without a license.~~
- ~~B. Each pharmacy benefit manager providing pharmacy management benefit plans in this state shall file a statement with the board annually by March 1 or within sixty (60) days of the end of its fiscal year if not a calendar year. The statement shall be verified by at least two (2) principal officers and shall cover the preceding calendar year or the immediately preceding fiscal year of the pharmacy benefit manager.~~
- ~~C. The statement shall be on forms prescribed by the board and shall include:~~
- ~~a. A financial statement of the organization, including its balance sheet and income statement for the preceding year; and~~
- ~~b. Any other information relating to the operations of the pharmacy benefit manager required by the board under this section.~~
- ~~However, no pharmacy benefit manager shall be required to disclose proprietary information of any kind to the board.~~
- ~~D. If the pharmacy benefit manager is audited annually by an independent certified public accountant, a copy of the certified audit report shall be filed annually with the board by June 30 or within thirty (30) days of the report being final.~~
- ~~E. The board may extend the time prescribed for any pharmacy benefit manager for filing annual statements or other reports or exhibits of any kind for good cause shown. However, the board shall not extend the time for filing annual statements beyond sixty (60) days after the time prescribed by subsection (1) of this section. The board may waive the requirements for filing financial information for the pharmacy benefit manager if an affiliate of the pharmacy benefit manager is already required to file such information under current law with the Commissioner of Insurance and allow the pharmacy benefit manager to file a copy of documents containing such information with the board in lieu of the statement required by this section.~~
- ~~F. The expense of administering this section shall be assessed annually by the board against all pharmacy benefit managers operating in this state.~~

~~3. FINANCIAL EXAMINATION OF PHARMACY BENEFIT MANAGER~~

- ~~A. In lieu of or in addition to making its own financial examination of a pharmacy benefit manager, the board may accept the report of a financial examination of other persons responsible for the pharmacy benefit manager under the laws of another state certified by the applicable official of such other state.~~

- ~~B. The board shall coordinate financial examinations of a pharmacy benefit manager that provides pharmacy management benefit plans in this state to ensure an appropriate level of regulatory oversight and to avoid any undue duplication of effort or regulation. The pharmacy benefit manager being examined shall pay the cost of the examination. The cost of the examination shall be deposited in a special fund that shall provide all expenses for the licensing, supervision and examination of all pharmacy benefit managers subject to regulation under Sections 73-21-71 through 73-21-129 and Sections 73-21-151 through 73-21-159.~~
- ~~C. The board may provide a copy of the financial examination to the person or entity that provides or operates the health insurance plan or to a pharmacist or pharmacy.~~
- ~~D. The board is authorized to hire independent financial consultants to conduct financial examinations of a pharmacy benefit manager and to expend funds collected under this section to pay the costs of such examinations.~~

~~4. CLEAN CLAIM~~

~~Most current nationally recognized reference price to be used in calculation of reimbursement for prescription drugs and other products and supplies; updating of reference price; time period for payment of benefits; "clean claim" defined; compliance; penalties.~~

- ~~A. Reimbursement under a contract to a pharmacist or pharmacy for prescription drugs and other products and supplies that is calculated according to a formula that uses a nationally recognized reference in the pricing calculation shall use the most current nationally recognized reference price or amount in the actual or constructive possession of the pharmacy benefit manager, its agent, or any other party responsible for reimbursement for prescription drugs and other products and supplies on the date of electronic adjudication or on the date of service shown on the nonelectronic claim.~~
- ~~B. Pharmacy benefit managers, their agents and other parties responsible for reimbursement for prescription drugs and other products and supplies shall be required to update the nationally recognized reference prices or amounts used for calculation of reimbursement for prescription drugs and other products and supplies no less than every three (3) business days.~~
- ~~C. All benefits payable under a pharmacy benefit management plan shall be paid within fifteen (15) days after receipt of due written proof of a clean claim where claims are submitted electronically and shall be paid within thirty five (35) days after receipt of due written proof of a clean claim where claims are submitted in paper format. Benefits due under the plan and claims are overdue if not paid within fifteen (15) days or thirty five (35) days, whichever is applicable, after the pharmacy benefit manager receives a clean claim containing necessary information essential for the pharmacy benefit manager to administer preexisting condition, coordination of benefits and subrogation provisions under the plan~~

sponsor's health insurance plan. A "clean claim" means a claim received by any pharmacy benefit manager for adjudication and which requires no further information, adjustment or alteration by the pharmacist or pharmacies or the insured in order to be processed and paid by the pharmacy benefit manager. A claim is clean if it has no defect or impropriety, including any lack of substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this subsection. A clean claim includes resubmitted claims with previously identified deficiencies corrected.

~~D. A clean claim does not include any of the following:~~

- ~~(a) A duplicate claim, which means an original claim and its duplicate when the duplicate is filed within thirty (30) days of the original claim;~~
- ~~(b) Claims which are submitted fraudulently or that are based upon material misrepresentations;~~
- ~~(c) Claims that require information essential for the pharmacy benefit manager to administer preexisting condition, coordination of benefits or subrogation provisions under the plan sponsor's health insurance plan; or~~
- ~~(d) Claims submitted by a pharmacist or pharmacy more than thirty (30) days after the date of service; if the pharmacist or pharmacy does not submit the claim on behalf of the insured, then a claim is not clean when submitted more than thirty (30) days after the date of billing by the pharmacist or pharmacy to the insured.~~

~~E. Not later than fifteen (15) days after the date the pharmacy benefit manager actually receives an electronic claim, the pharmacy benefit manager shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the pharmacist or pharmacy (where the claim is owed to the pharmacist or pharmacy) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Not later than thirty-five (35) days after the date the pharmacy benefit manager actually receives a paper claim, the pharmacy benefit manager shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the pharmacist or pharmacy (where the claim is owed to the pharmacist or pharmacy) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Any claim or portion thereof resubmitted with the supporting documentation and information requested by the pharmacy benefit manager shall be paid within twenty (20) days after receipt.~~

~~F. If the board finds that any pharmacy benefit manager, agent or other party responsible for reimbursement for prescription drugs and other products and supplies has not paid ninety-five percent (95%) of clean claims as defined in subsection (3) of this section received from all pharmacies in a calendar quarter, he shall be subject to administrative penalty of not more than Twenty five Thousand Dollars (\$ 25,000.00) to be assessed by the State Board of Pharmacy.~~

- ~~G. Examinations to determine compliance with this subsection may be conducted by the board. The board may contract with qualified impartial outside sources to assist in examinations to determine compliance. The expenses of any such examinations shall be paid by the pharmacy benefit manager examined.~~
- ~~H. Nothing in the provisions of this section shall require a pharmacy benefit manager to pay claims that are not covered under the terms of a contract or policy of accident and sickness insurance or prepaid coverage.~~
- ~~I. If the claim is not denied for valid and proper reasons by the end of the applicable time period prescribed in this provision, the pharmacy benefit manager must pay the pharmacy (where the claim is owed to the pharmacy) or the patient (where the claim is owed to a patient) interest on accrued benefits at the rate of one and one half percent (1 1/2%) per month accruing from the day after payment was due on the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated. Whenever interest due pursuant to this provision is less than One Dollar (\$ 1.00), such amount shall be credited to the account of the person or entity to whom such amount is owed.~~
- ~~J. Any pharmacy benefit manager and a pharmacy may enter into an express written agreement containing timely claim payment provisions which differ from, but are at least as stringent as, the provisions set forth under subsection (3) of this section, and in such case, the provisions of the written agreement shall govern the timely payment of claims by the pharmacy benefit manager to the pharmacy. If the express written agreement is silent as to any interest penalty where claims are not paid in accordance with the agreement, the interest penalty provision of subsection (4)(c) of this section shall apply.~~
- ~~K. The State Board of Pharmacy may adopt rules and regulations necessary to ensure compliance with this subsection.~~

~~5. AUDIT~~

~~I. DEFINITIONS:~~

- ~~A. "Entity" means a pharmacy benefit manager, a managed care company, a health plan sponsor, an insurance company, a third party payor, or any company, group or agent that represents or is engaged by those entities.~~
- ~~B. "Health insurance plan" means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer.~~
- ~~C. "Individual prescription" means the original prescription for a drug signed by the prescriber, and excludes refills referenced on the prescription.~~

~~D. "Pharmacy benefit manager" means a business that administers the prescription drug/device portion of pharmacy benefit management plans or health insurance plans on behalf of plan sponsors, insurance companies, unions and health maintenance organizations. Pharmacy benefit managers may also provide some, all, but may not be limited to, the following services either directly or through outsourcing or contracts with other entities:~~

- ~~(i) Adjudicate drug claims or any portion of the transaction.~~
- ~~(ii) Contract with retail and mail pharmacy networks.~~
- ~~(iii) Establish payment levels for pharmacies.~~
- ~~(iv) Develop formulary or drug list of covered therapies.~~
- ~~(v) Provide benefit design consultation.~~
- ~~(vi) Manage cost and utilization trends.~~
- ~~(vii) Contract for manufacturer rebates.~~
- ~~(viii) Provide fee-based clinical services to improve member care.~~
- ~~(ix) Third party administration.~~

~~E. "Pharmacy benefit management plan" means an arrangement for the delivery of pharmacist's services in which a pharmacy benefit manager undertakes to administer the payment or reimbursement of any of the costs of pharmacist's services for an enrollee on a prepaid or insured basis that (i) contains one or more incentive arrangements intended to influence the cost or level of pharmacist's services between the plan sponsor and one or more pharmacies with respect to the delivery of pharmacist's services; and (ii) requires or creates benefit payment differential incentives for enrollees to use under contract with the pharmacy benefit manager.~~

~~F. "Pharmacist," "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.~~

~~Sections 73-21-175 through 73-21-189 shall apply to any audit of the records of a pharmacy conducted by a managed care company, nonprofit hospital or medical service organization, insurance company, third party payor, pharmacy benefit manager, a health program administered by a department of the state or any entity that represents those companies, groups, or department.~~

~~II. Audit procedures; written report; report requirements~~

~~A. The entity conducting an audit shall follow these procedures:~~

- ~~i. The pharmacy contract must identify and describe in detail the audit procedures;~~
- ~~ii. The entity conducting the on-site audit must give the pharmacy written notice at least two (2) weeks before conducting the initial on-site audit for each audit cycle, and the pharmacy shall have at least fourteen (14) days to respond to any desk audit requirements;~~

- ~~iii. The entity conducting the on-site or desk audit shall not interfere with the delivery of pharmacist services to a patient and shall utilize every effort to minimize inconvenience and disruption to pharmacy operations during the audit process;~~
- ~~iv. Any audit that involves clinical or professional judgment must be conducted by or in consultation with a pharmacist;~~
- ~~v. Any clerical or record keeping error, such as a typographical error, scrivener's error, or computer error, regarding a required document or record shall not constitute fraud; however, those claims may be subject to recoupment. No such claim shall be subject to criminal penalties without proof of intent to commit fraud;~~
- ~~vi. A pharmacy may use the records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug;~~
- ~~vii. A finding of an overpayment or an underpayment may be a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs, except that recoupment shall be based on the actual overpayment or underpayment;~~
- ~~viii. A finding of an overpayment shall not include the dispensing fee amount unless a prescription was not dispensed;~~
- ~~ix. Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity;~~
- ~~x. The period covered by an audit may not exceed two (2) years from the date the claim was submitted to or adjudicated by a managed care company, nonprofit hospital or medical service organization, insurance company, third party payor, pharmacy benefit manager, a health program administered by a department of the state or any entity that represents those companies, groups, or department;~~
- ~~xi. An audit may not be initiated or scheduled during the first five (5) calendar days of any month due to the high volume of prescriptions filled in the pharmacy during that time unless otherwise consented to by the pharmacy;~~
- ~~xii. Any prescription that complies with state law and rule requirements may be used to validate claims in connection with prescriptions, refills or changes in prescriptions;~~
- ~~xiii. An exit interview that provides a pharmacy with an opportunity to respond to questions and comment on and clarify findings must be conducted at the end of an audit. The time of the interview must be agreed to by the pharmacy;~~
- ~~xiv. Unless superseded by state or federal law, auditors shall only have access to previous audit reports on a particular pharmacy conducted by the auditing entity for the same pharmacy benefits manager, health plan or insurer. An auditing vendor contracting with multiple pharmacy benefits managers or health insurance plans shall not use audit reports or other information gained from an audit on a particular pharmacy to conduct another audit for a different pharmacy benefits manager or health insurance plan;~~

- xv. ~~The parameters of an audit must comply with consumer-oriented parameters based on manufacturer listings or recommendations for the following:~~
 - (a) ~~The day supply for eyedrops must be calculated so that the consumer pays only one (1) thirty-day copayment if the bottle of eyedrops is intended by the manufacturer to be a thirty-day supply;~~
 - (b) ~~The day supply for insulin must be calculated so that the highest dose prescribed is used to determine the day supply and consumer copayment;~~
- xvi. ~~The day supply for a topical product must be determined by the judgment of the pharmacist based upon the treated area;~~
- xvii. (a) ~~Where an audit is for a specifically identified problem that has been disclosed to the pharmacy, the audit shall be limited to claims that are identified by prescription number;~~
 - (b) ~~For an audit other than described in subparagraph (a) of this paragraph, an audit shall be limited to one hundred (100) individual prescriptions that have been randomly selected;~~
 - (c) ~~If an audit reveals the necessity for a review of additional claims, the audit shall be conducted on site;~~
 - (d) ~~Except for audits initiated under paragraph (a) of this subsection, an entity shall not initiate an audit of a pharmacy more than one (1) time in any quarter;~~
- xviii. ~~A recoupment shall not be based on:~~
 - (a) ~~Documentation requirements in addition to or exceeding requirements for creating or maintaining documentation prescribed by the State Board of Pharmacy; or~~
 - (b) ~~A requirement that a pharmacy or pharmacist perform a professional duty in addition to or exceeding professional duties prescribed by the State Board of Pharmacy;~~
- xiv. ~~Except for Medicare claims, approval of drug, prescriber or patient eligibility upon adjudication of a claim shall not be reversed unless the pharmacy or pharmacist obtained the adjudication by fraud or misrepresentation of claim elements; and~~
- xv. ~~A commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.~~

III. ~~The entity must provide the pharmacy with a written report of the audit and comply with the following requirements:~~

- A. ~~The preliminary audit report must be delivered to the pharmacy within one hundred twenty (120) days after conclusion of the audit, with a reasonable extension to be granted upon request;~~
- B. ~~A pharmacy shall be allowed at least thirty (30) days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during the audit, with a reasonable extension to be granted upon request;~~

~~C. A final audit report shall be delivered to the pharmacy within one hundred eighty (180) days after receipt of the preliminary audit report or final appeal, as provided for in Section 73-21-185, whichever is later;~~

~~D. The audit report must be signed by the auditor;~~

~~E. Recoupments of any disputed funds, or repayment of funds to the entity by the pharmacy if permitted pursuant to contractual agreement, shall occur after final internal disposition of the audit, including the appeals process as set forth in Section 73-21-185. If the identified discrepancy for an individual audit exceeds Twenty-five Thousand Dollars (\$ 25,000.00), future payments in excess of that amount to the pharmacy may be withheld pending finalization of the audit;~~

~~F. Interest shall not accrue during the audit period; and~~

~~G. Each entity conducting an audit shall provide a copy of the final audit report, after completion of any review process, to the plan sponsor.~~

~~IV. Appeals; dismissal of audit report; mediation of unresolved issues~~

~~A. Each entity conducting an audit shall establish a written appeals process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.~~

~~B. If, following the appeal, the entity finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or that portion without the necessity of any further action.~~

~~C. If, following the appeal, any of the issues raised in the appeal are not resolved to the satisfaction of either party, that party may ask for mediation of those unresolved issues. A certified mediator shall be chosen by agreement of the parties from the Court Annexed Mediators List maintained by the Mississippi Supreme Court.~~

~~V. Use of extrapolation in calculating recoupments or penalties prohibited:~~

~~Notwithstanding any other provision in Sections 73-21-175 through 73-21-189, the entity conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits. An extrapolation audit means an audit of a sample of prescription drug benefit claims submitted by a pharmacy to the entity conducting the audit that is then used to estimate audit results for a larger batch or group of claims not reviewed by the auditor.~~

~~VI. Limitation of applicability of Sections 73-21-175 through 73-21-189~~

~~Sections 73-21-175 through 73-21-189 do not apply to any audit, review or investigation that involves alleged fraud, willful misrepresentation or abuse.~~

~~VII. Penalty for noncompliance:~~

- ~~A. The State Board of Pharmacy may impose a monetary penalty on pharmacy benefit managers for noncompliance with the provisions of the Pharmacy Audit Integrity Act, Sections 73-21-175 through 73-21-189, in amounts of not less than One Thousand Dollars (\$ 1,000.00) per violation and not more than Twenty-five Thousand Dollars (\$ 25,000.00) per violation. The board shall prepare a record entered upon its minutes which states the basic facts upon which the monetary penalty was imposed. Any penalty collected under this subsection (1) shall be deposited into the special fund of the board.~~
- ~~B. The board may assess a monetary penalty for those reasonable costs that are expended by the board in the investigation and conduct of a proceeding if the board imposes a monetary penalty under subsection (1) of this section. A monetary penalty assessed and levied under this section shall be paid to the board by the licensee, registrant or permit holder upon the expiration of the period allowed for appeal of those penalties under Section 73-21-101, or may be paid sooner if the licensee, registrant or permit holder elects. Money collected by the board under this subsection (2) shall be deposited to the credit of the special fund of the board.~~

~~When payment of a monetary penalty assessed and levied by the board against a licensee, registrant or permit holder in accordance with this section is not paid by the licensee, registrant or permit holder when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, registrant or permit holder, or if the licensee, registrant or permit holder is a nonresident of the State of Mississippi, in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When those proceedings are instituted, the board shall certify the record of its proceedings, together with all documents and evidence, to the chancery court and the matter shall be heard in due course by the court, which shall review the record and make its determination thereon in accordance with the provisions of Section 73-21-101. The hearing on the matter may, in the discretion of the chancellor, be tried~~

TITLE 30: PROFESSIONS AND OCCUPATIONS
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

ARTICLE XLV PHARMACY BENEFIT MANAGER

Pharmacy Benefit Managers must comply with all federal and state laws and regulations which include, but is not limited to:

- Mississippi Pharmacy Practice Act §§ 73-21-69 to 73-21-129
- Pharmacy Benefit Prompt Pay Act §§ 73-21-151 to 73-21-163
- Pharmacy Audit Integrity Act §§ 73-21-175 to 73-21-191
- Prescription Drugs Consumer Affordable Alternative Payment Options Act §§ 73-21-201 to 73-21-205

LICENSE REQUIRED BEFORE CONDUCTING BUSINESS AS PHARMACY BENEFIT MANAGER; PHARMACY BENEFIT MANAGERS TO FILE CERTAIN FINANCIAL STATEMENTS WITH STATE BOARD OF PHARMACY; TIME PERIOD FOR FILING STATEMENTS

- A. Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license from the board. To obtain a license, the applicant shall submit an application to the board on a form prescribed by the board. The application shall include, but not be limited to:
- i. The identity of the pharmacy benefit manager and any company or organization controlling the operation of the pharmacy benefit manager, including the name, business address, and contact person and direct contact information for the pharmacy benefit manager and the controlling entity.
 - ii. A current “Certificate of Good Standing” from the Mississippi Secretary of State.
 - iii. In the case of a pharmacy benefit manager domiciled out of the State of Mississippi, a certificate that the pharmacy benefit manager, controlling company or organization is in good standing in the state of domicile or organization.
 - iv. A report of the details of any suspension, sanction, penalty or other disciplinary action relating to the pharmacy benefit manager, controlling company or organization, in the State of Mississippi or any other state, territory or country.
 - v. The pharmacy benefit manager shall report all previous data security breaches and HIPAA security breaches.
 - vi. The name and address of the agent of record or for services of process for the pharmacy benefit manager in Mississippi.
 - vii. A list of the pharmacy benefit manager’s principal owners.
 - viii. The geographical services area of the pharmacy benefit manager.
 - ix. A current list of all entities on whose behalf the pharmacy benefit manager has contracts or agreements to provide pharmacy benefit services.
 - x. The number of total enrollees or lives served under all of the pharmacy benefit manager’s contracts or agreements in Mississippi and nationwide.
 - xi. A contingency plan describing how contracted pharmacy benefit services will be provided in the event of insolvency of the pharmacy benefit manager.

- xii. The most recently concluded fiscal year-end financial statements for the pharmacy benefit manager and its controlling company or organization, which statements have been audited by an independent certified public accountant (CPA) under U.S. generally accepted accounting principles (GAAP).
 - xiii. The names and addresses of the public accounting firm and internal accountant(s) preparing or assisting in the preparation of such financial statements.
 - xiv. A certificate signed by the Chief Executive Officer of the pharmacy benefit manager, or equivalent administrator with the authority to speak on behalf of the company, attesting to the accuracy of the information contained in the filing.
- B. A non-refundable license fee of Five Hundred Dollars (\$500.00) must accompany each application for the application to be considered complete.
 - C. The Pharmacy Benefit Manager license shall be an annually renewable license expiring on December 31st of each calendar year. 'Pro rata' pharmacy benefit manager licenses are not allowed by the Board.
 - D. A completed application, along with online fee payment, for an initial or a renewal of a Pharmacy Benefit Manager license must be received through the Mississippi Board of Pharmacy online licensing renewal gateway no later than 12:00 o'clock pm CDT December 31st annually. In the event that a pharmacy benefit manager license renewal is received after December 31st, a Five Hundred Dollars (\$500.00) late fee will be assessed and payment must be received by the Board before a license will be issued.
 - E. A monetary penalty of One Thousand Dollars (\$1000.00) per day may be imposed upon any Pharmacy Benefit Manager that practices or conducts business in the State of Mississippi without a license.

Came on March 25, 2021, the matter of Joshua K. McClenty, Pharmacy Technician Registration Number PT-220934, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits served on the Investigative Review Committee and did not participate in this hearing. Board member Ronnie Bagwell was absent and did not participate in the hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

JOSHUA K. MCCLENTY
605 WELSH STREET
CANTON, MS 39046

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-220934

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Joshua K. McClenty, Pharmacy Technician Registration Number PT-220934, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Joshua K. McClenty, Pharmacy Technician Registration Number PT-220934, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

The theft or embezzlement of prescription drugs, controlled substances, medical devices, or funds from a permitted facility.

Specifically, McClenty admitted to acquiring overtime work hours by not clocking out when the pharmacy closed and then coming back to the pharmacy several hours later to clock out. This amounted to accruing forty-nine (49) hours of overtime that was not earned. McClenty surrendered his pharmacy technician registration on November 17, 2021.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-220934, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered his pharmacy technician registration.



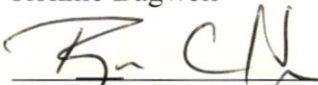
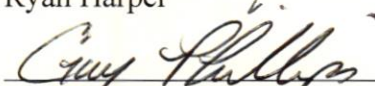
FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-220934.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-220934 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay and the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of Two Hundred Fifty Dollars (\$250.00) shall be paid by the Respondent prior to the reinstatement of his registration.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
<u>IRC</u> Jillian Foster, President	_____	_____	<u>IRC</u>
<small>DocuSigned by:</small>  Larry Calvert, Vice President	<input checked="" type="checkbox"/>	_____	_____
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	_____	_____
_____ Ronnie Bagwell	_____	_____	_____
 Ryan Harper	<input checked="" type="checkbox"/>	_____	_____
 Guy Phillips	<input checked="" type="checkbox"/>	_____	_____
<u>IRC</u> Tony Waits	_____	_____	<u>IRC</u>

Joshua McClenty 3/2021

On March 25, 2021, came on the matter of Ochsner Medical Center - Hancock, Permit to Operate a Pharmacy Number 00375/3.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF.

OCHSNER MEDICAL CENTER-HANCOCK
149 DRINKWATER BLVD
BAY ST. LOUIS, MS 39520

PERMIT TO OPERATE AS A PHARMACY NUMBER 00375/3.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Ochsner Medical Center - Hancock, Permit to Operate a Pharmacy Number 00375/3.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Ochsner Medical Center - Hancock, Permit to Operate a Pharmacy Number 00375/3 1, is alleged to have committed the following violations:

- 1 Violation of Mississippi Pharmacy Practice Regulations ARTICLE XXXI, COMPOUNDING GUIDELINES:
Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals shall comply with USP 797 and 795 standards.

Specifically, an inspection of Ochsner Medical Center - Hancock, Permit to Operate a Pharmacy Number 00375/3.1 on September 24, 2020 revealed that the facility was compounding prescription medications without complying with USP 797 standards. The facility's Primary and Secondary Engineering Controls (PEC and SEC) were out of certification since April 2019.

2. Violation of Mississippi Pharmacy Practice Regulations ARTICLE XXXI, COMPOUNDING GUIDELINES, Paragraph 1:
 1. GENERAL PROVISIONS
 - A. **Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.**
 - i. To obtain a compounding certificate, an applicant must complete a compounding certificate application
 - ii. A compounding certificate will expire when the pharmacy permit expires and can be renewed at the time a pharmacy permit is renewed.
 - iii. Compounding, without obtaining the compounding certificate, shall be grounds for disciplinary action.
 - iv. Every pharmacy that engages in compounding shall submit a compounding statistical report to the Board on or about January 31st of each year on a form prescribed by the Board.

- v. Failure to submit the report as required by this regulation shall be grounds for disciplinary action.

Specifically, an inspection of Ochsner Medical Center - Hancock, Permit to Operate a Pharmacy Number 00375/3.1 on September 24, 2020 revealed that the facility compounded prescription medications for patients without obtaining the required compounding certificate. A compounding certificate was issued by the Board for this facility on December 4, 2020.

SETTLEMENT AGREEMENT

Pursuant to discussions between Board Counsel and the Respondent, an Agreement to Settle this matter is found to be in the best interest of all parties involved. It is hereby Agreed as follows:

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:


- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 00375/3.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.
- (3) The Respondent does not contest the violations as charged.
- (4) The Respondent agrees to the disciplinary action stated below as imposed by the Board.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained on file in the office of the Board.

- Respondent agrees to pay the sum of Two Thousand Dollars (\$2,000.00) as a settlement of all claims alleged by the Board in this matter.
- Pursuant to Section 73-21-103 (l)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Eight Hundred Fifty Dollars (\$850.00).
- The total monetary settlement and cost of investigation shall be Two Thousand Eight Hundred Fifty Dollars (\$2,850.00). The monetary settlement and cost of investigation is due and payable in the office of the Board within thirty (30) days of receipt of this Order.
- Respondent shall obtain a compounding certificate prior to compounding any more pharmaceuticals.
- Respondent shall only compound pharmaceuticals under USP 797 and 795 standards.

I hereby agree to the findings and terms of this Agreed Order:



Representative of Ochsner Medical Center-Hancock

SUBSCRIBED AND SWORN TO, in my presence, this 19th day of March, 2021.

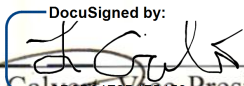
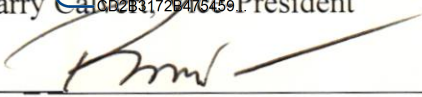
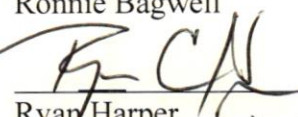
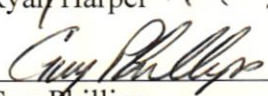
Lauren Bragg
NOTARY PUBLIC

MY COMMISSION EXPIRES:

1/5/25



ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
<u>IRC</u> Jillian Foster, President	_____	_____	<u>IRC</u>
<small>DocuSigned by:</small>  Larry Calver, President	<u>✓</u>	_____	_____
 J. Todd Barrett, Secretary	<u>✓</u>	_____	_____
_____ Ronnie Bagwell	_____	_____	_____
 Ryan Harper	<u>✓</u>	_____	_____
 Guy Phillips	<u>X</u>	_____	_____
<u>IRC</u> Tony Waits	_____	_____	<u>IRC</u>

On March 25, 2021, came on the matter of Ronald D. Edwards, License to Practice Pharmacy, Certificate of Registration Number E-08929, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

RONALD D. EDWARDS
115 SOUTH 40TH AVENUE
SUITE A
HATTIESBURG, MS 39402

LICENSE TO PRACTICE PHARMACY NUMBER E-08929

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Ronald D. Edwards, License to Practice Pharmacy, Certificate of Registration Number E-08929, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Ronald D. Edwards, License to Practice Pharmacy, Certificate of Registration Number E-08929, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 A. 6:

Rule 2.1 Grounds for Disciplinary Actions

The Board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit of any person upon one or more of the following grounds:

A. Unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

6. Selling a drug for which a prescription drug order from a practitioner is required, without having received a prescription drug order for the drug;

Specifically, Edwards sold testosterone to Rob Gaston without a valid prescription on August 4, 2020.

SETTLEMENT AGREEMENT

Pursuant to discussions between Board Counsel and Counsel for the Respondent, an Agreement to Settle this matter is found to be in the best interest of all parties involved. It is hereby Agreed as follows:

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided

for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.

- (2) The Respondent was issued a license to practice pharmacy by the Board, Certificate of Registration Number T-15957, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (3) The Respondent does not contest the violation as charged.
- (4) The Respondent agrees to the disciplinary action stated below as imposed by the Board.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Pursuant to Section 73-21-103 (1)(d), Respondent shall pay a monetary penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary settlement and cost of investigation shall be Two Thousand Seven Hundred Fifty Dollars (\$2,750.00). The monetary settlement and cost of investigation shall be paid within thirty (30) days of receipt of this Order.

I hereby agree to the findings and terms of this Agreed Order:



Ronald D. Edwards, Respondent

SUBSCRIBED AND SWORN TO, in my presence, this 26th day of February 2021.



NOTARY PUBLIC

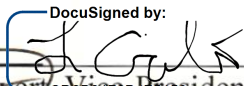
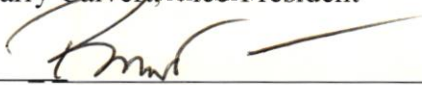
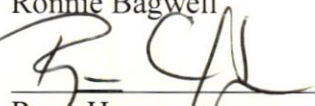
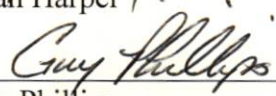
MY COMMISSION EXPIRES:

03/22/22



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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
<u>IRC</u> Jillian Foster, President	_____	_____	<u>IRC</u>
<u>DocuSigned by:</u>  Larry Calvert, Vice President	<input checked="" type="checkbox"/>	_____	_____
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	_____	_____
<u>_____</u> Ronnie Bagwell	_____	_____	_____
 Ryan Harper	<input checked="" type="checkbox"/>	_____	_____
 Guy Phillips	<input checked="" type="checkbox"/>	_____	_____
<u>IRC</u> Tony Waits	_____	_____	<u>IRC</u>

Ronald Edwards 3/2021

Came on March 25, 2021, the matter of Mary A. Story, License to Practice Pharmacy, Certificate of Registration Number T-09038, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits served on the Investigative Review Committee and did not participate in this hearing. Board member Ronnie Bagwell was absent.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

MARY A. STORY
2610 HWY 57
COUNCE, TN 38326

LICENSE TO PRACTICE PHARMACY NUMBER T-09038

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Mary A. Story, License to Practice Pharmacy, Certificate of Registration Number T-09038, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated. Story did not appear and the hearing proceeded in her absence.

STATEMENT OF CHARGES

Mary A. Story, License to Practice Pharmacy, Certificate of Registration Number T-09038, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 H:

Failure to comply with lawful orders of the Board.

Specifically, the Mississippi Board of Pharmacy entered an Order dated July 16, 2020 which found Story in violation of the Board's regulations and required Story to pay a monetary penalty in the amount of One Thousand Two Hundred Dollars (\$1,200.00). The Order called for the monetary penalty to be paid within thirty (30) days of the Order (August 15, 2020). Story did not pay the monetary penalty as ordered. This constitutes a violation of Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 H.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacist license by the Board, License to Practice Pharmacy, Certificate of Registration Number T-09038, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

- (4) The Respondent failed to appear before the Board and the Board proceeded in the Respondent's absence.
- (5) The Respondent committed the violation as charged.

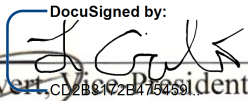
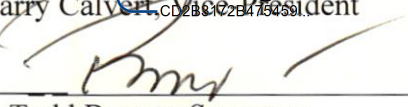
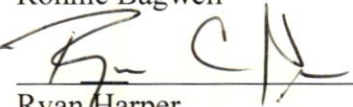
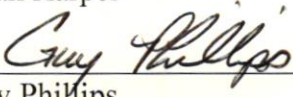
FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Pursuant to Section 73-21-103(1)(a), Mississippi Code of 1972, Annotated, the Respondent's License to Practice Pharmacy, Certificate of Registration Number T-09038 is indefinitely suspended.
- The Respondent shall not be allowed to petition the Board for reinstatement until all requirement of the July 16, 2020 Board Order are fulfilled.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
<u>IRC</u> Jillian Foster, President	_____	_____	<u>IRC</u>
<small>DocuSigned by:</small>  Larry Calvert, Vice President	<input checked="" type="checkbox"/>	_____	_____
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	_____	_____
_____ Ronnie Bagwell	_____	_____	_____
 Ryan Harper	<input checked="" type="checkbox"/>	_____	_____
 Guy Phillips	<input checked="" type="checkbox"/>	_____	_____
<u>IRC</u> Tony Waits	_____	_____	<u>IRC</u>

Mary Story 3/2021

Came on March 25, 2021, the matter of Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits served on the Investigative Review Committee and did not participate in this hearing. Board member Ronnie Bagwell was absent.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

ANDREA W. HARRIS
5362 CAROLWOOD DR.
JACKSON, MS 39211

LICENSE TO PRACTICE PHARMACY NUMBER E-11894

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated. Harris did not appear for the hearing but was represented by counsel.

STATEMENT OF CHARGES

Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894, is alleged to have committed the following violation:

1. Mississippi Pharmacy Practice Regulations ARTICLE VII, RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC), Paragraph 5, C:

5. On the premises where a pharmacy is maintained in conjunction with other services or business activities, the pharmacy shall be physically secured from such other services or activities during those times a pharmacist is not present and the pharmacy is not open, and other services or activities are being provided on the premises.
 - A. The Pharmacy shall be secured by a physical barrier to detect entry at a time when the Pharmacist is not present.
 - B. Each pharmacist while on duty shall be responsible for the security of the Pharmacy, including provisions for effective control against theft or diversion of Drugs and/or Devices.
 - C. **The pharmacist-in-charge shall be responsible for adequate security being maintained on drugs in all areas of the permitted facility at all times and is responsible for reporting any loss or suspected loss of controlled substances or legend drugs directly to the Board immediately** (this does not relieve any pharmacist who discovers a loss from the requirement of reporting the loss directly to the Board).

Specifically, Harris, who is the pharmacist-in-charge of Whitney Harris Drugs, Inc., admitted that at least two (2) non-pharmacists had keys to the pharmacy and access to the alarm codes. These non-pharmacist individuals had access to the drugs in the facility at times when no pharmacist was

present. An audit of the controlled substances revealed losses of several schedule C II-IV medications. As the pharmacist-in-charge, Harris had the responsibility to maintain adequate security in all areas of the pharmacy.

2. Mississippi Pharmacy Practice Regulations ARTICLE VII, RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC), Paragraph 6, A:

6. Each facility issued a pharmacy permit by the Mississippi Board of Pharmacy shall maintain:
 - A. An area of sufficient size to accommodate the dispensing functions of the facility and which is adequately equipped to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation and security. All areas where Drugs and Devices are stored shall be dry, well lighted, well ventilated, and maintained in a clean and orderly condition. Storage areas shall be maintained at temperatures which will ensure the integrity of the Drugs prior to their dispensing as stipulated by the USP-NF and/or the Manufacturer's or Distributor's labeling.

Specifically, an inspection of the facility on October 2, 2020 revealed that the facility was dirty with garbage on the counters and paperwork scattered everywhere. Patient medication bottles from various other pharmacies covered the countertop. As the pharmacist-in-charge, Harris had the responsibility to maintain a clean and orderly facility.

3. Mississippi Pharmacy Practice Regulations ARTICLE VII, RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC), Paragraph 1, A:

1. The person who signs the application for a pharmacy permit or the renewal of a pharmacy permit shall be the pharmacist-in-charge (PIC) for that facility.
 - A. Authority. **The PIC of the pharmacy shall be responsible for complete supervision, management and compliance with all federal and state pharmacy laws and regulations pertaining to the practice of pharmacy in the entire prescription department.** He/She shall have the cooperation and support of all pharmacy staff in carrying out these responsibilities. The pharmacist-in-charge is responsible for assuring that all personnel are properly registered or licensed with the Board and that all pharmacy permits are current and appropriate for the type of pharmacy operation being conducted.

Violation of Mississippi Pharmacy Practice Regulations ARTICLE XXIII, RECORD KEEPING ON CONTROLLED SUBSTANCES, Paragraph 1:

1. Every facility permitted by the Board of Pharmacy shall keep complete and accurate records of the acquisition and disposition of all controlled substances. Records of acquisition must be maintained for a period of two (2) years. Records of disposition must be maintained for a period of six (6) years.

These records shall include:

- A. A current dated and signed inventory of all controlled substances on hand on the inventory date;
- B. Complete and accurate records of receipt of all controlled substances;
- C. Complete and accurate records of disposition of all controlled substances.

These records shall be kept in such a manner that an audit will show the beginning inventory and record of acquisition of controlled substances to balance with the controlled substances on hand and the record of disposition of controlled substances.

Specifically, the facility had two (2) testosterone vials with CVS labels on them. Harris could not provide an invoice for these drugs. As the pharmacist-in-charge, Harris had the responsibility to keep complete and accurate records of the acquisition and disposition of all controlled substances.

4. Mississippi Board of Pharmacy Administrative Rules, Rule 2.1, A, 5:

- A. Unprofessional conduct. Unprofessional conduct shall include, but not be limited to:
 - 5. Engaging in conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist, with proof of actual injury not having to be established;

Specifically, Whitney Harris Drugs, Inc., had submitted claims for payment for multiple prescriptions for many patients. Prior to those prescriptions being dispensed to the patients, the pharmacy was closed and no longer in operation. Harris was instructed on multiple occasions to reverse those claims so the patients could get their prescriptions filled at another pharmacy. Harris did not reverse the claims resulting in patients unable to get their prescribed medication. This action departs from the standards of care ordinarily exercised by a pharmacist in a similar situation.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacist license by the Board, License to Practice Pharmacy, Certificate of Registration Number E-11894, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent committed each of the violations as charged.

FINAL ORDER OF THE BOARD

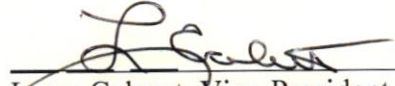
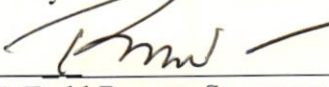
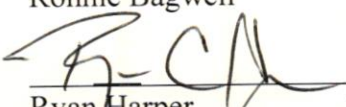
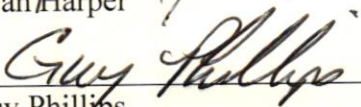
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Pursuant to Section 73-21-103(1)(a), Mississippi Code of 1972, Annotated, the License to Practice Pharmacy, Certificate of Registration Number E-11894 is indefinitely suspended.

- Pursuant to Section 73-21-103(1)(d)(i), Mississippi Code of 1972, Annotated, the Respondent shall pay the sum of One Thousand Dollars (\$1,000.00) for the first violation.
- Pursuant to Section 73-21-103(1)(d)(ii), Mississippi Code of 1972, Annotated, the Respondent shall pay the sum of Two Thousand Dollars (\$2,000.00) each for the second, third and fourth violation.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, the Respondent shall pay the sum of Two Thousand Four Hundred Seventy-Nine Dollars and One Cent (\$2,479.01) for the cost of investigation and the conduct of a hearing.
- Total monetary penalty and cost of investigation is Nine Thousand Four Hundred Seventy-Nine Dollars and One Cent (\$9,479.01).
- The Respondent shall not be allowed to petition the Board for reinstatement until proof of the reversal of claims referenced in the fourth charge are provided to the Board.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
<u>IRC</u> Jillian Foster, President	_____	_____	<u>IRC</u>
<u></u> Larry Calvert, Vice-President	<u>✓</u>	_____	_____
<u></u> J. Todd Barrett, Secretary	<u>✓</u>	_____	_____
_____ Ronnie Bagwell	_____	_____	_____
<u></u> Ryan Harper	<u>✓</u>	_____	_____
<u></u> Guy Phillips	<u>X</u>	_____	_____
<u>IRC</u> Tony Waits	_____	_____	<u>IRC</u>

Whitney Harris 3/2021

Came on March 25, 2021, the matter of Megan E. Moss, Pharmacy Technician Registration Number PT-221780, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Todd Barrett and Ryan Harper served on the Investigative Review Committee and did not participate in this hearing. Board member Ronnie Bagwell was absent.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

MEGAN MOSS
129 PRAIRIE CREEK ROAD
MORTON, MS 39117

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-221780

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Megan E. Moss, Pharmacy Technician Registration Number PT-221780, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Megan E. Moss, Pharmacy Technician Registration Number PT-221780, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 F:

Violation of any of the provisions of the Mississippi Pharmacy Practice Act or rules or regulations adopted pursuant to such Act; or violation of pharmacy or drug laws of any other state or the federal government or the rules/regulations pertaining thereto.

Mississippi Pharmacy Practice Regulations, Article XL PHARMACY TECHNICIANS Paragraph 3:

3. PHARMACY TECHNICIAN REGISTRATION RENEWAL

Each pharmacy technician shall renew his/her registration annually. To renew his/her registration, a technician shall:

- A. Submit an application on the form prescribed by the Board;
- B. Pay a renewal fee not to exceed one-hundred dollars (\$100.00) for the registration period April 1, 2011 through March 31, 2012 and annually thereafter;
- C. Have successfully passed the Pharmacy Technician Certification Board Exam or a Pharmacy Technician exam approved by the Board if the registration was obtained after April 1, 2011. This Certification must be maintained as specified or required by the examining authority; and
- D. If the registration was obtained after April 1, 2011, provide proof of a current approved certification.

Any pharmacy technician registration that has not been renewed by March 31 of each registration period becomes null and void after that date. **The pharmacy technician shall not perform any pharmacy technician duties in the pharmacy dispensing or drug storage area until such time as the registration is renewed.** Any Pharmacy technician renewal application postmarked after March 31 of the renewal period shall be returned and a fifty dollar (\$50) late renewal fee shall be assessed prior to renewal.

The pharmacist-in-charge shall validate all pharmacy technician registrations on or before March 31 of each year, assuring that all such registrations are current and in good standing.

Specifically, the pharmacy technician registration for Megan E. Moss, Pharmacy Technician Registration Number PT-221780, expired March 31, 2020. Moss continued to perform pharmacy technician duties for D&B Discount Drugs, Pharmacy Permit #01593/1.1, after her pharmacy technician registration expired.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacy technician registration by the Board, Registration Number PT-22170, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent committed the violation as charged.

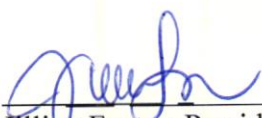
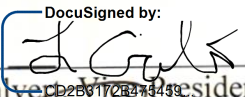
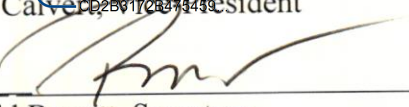
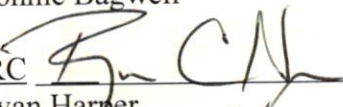
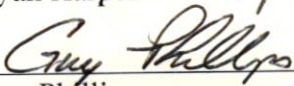
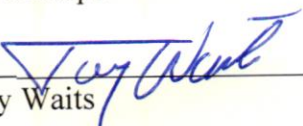
FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Pursuant to Section 73-21-103(1)(g), Mississippi Code of 1972, Annotated, the Respondent is issued a letter of reprimand. This Order shall be considered the letter of reprimand.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<small>DocuSigned by:</small>  Larry Calver, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRC  J. Todd Barrett, Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<u>IRC</u>
 Ronnie Bagwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRC  Ryan Harper	<input type="checkbox"/>	<input type="checkbox"/>	<u>IRC</u>
 Guy Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Megan Moss 3/2021

Came on March 25, 2021, the matter of Chad M. Burch, License to Practice Pharmacy, Certificate of Registration Number E-16079, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Todd Barrett and Ryan Harper served on the Investigative Review Committee and did not participate in this hearing. Board member Ronnie Bagwell was absent.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

CHAD BURCH
106 BROOK GLADE
CLINTON, MS 39056

LICENSE TO PRACTICE PHARMACY NUMBER T-16079

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Chad M. Burch, License to Practice Pharmacy, Certificate of Registration Number E-16079, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Chad M. Burch, License to Practice Pharmacy, Certificate of Registration Number E-16079, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 F:

Violation of any of the provisions of the Mississippi Pharmacy Practice Act or rules or regulations adopted pursuant to such Act; or violation of pharmacy or drug laws of any other state or the federal government or the rules/regulations pertaining thereto.

Mississippi Pharmacy Practice Regulations Article VIII RESPONSIBILITY OF PHARMACIST/PHARMACIST CARE, paragraph 1, C. (5):

1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:
 - C. In the dispensing of medications for ambulatory (or outpatients):
 - (5) A pharmacist shall not actively supervise more than three pharmacy technicians at one time.

Specifically, on December 17, 2020, Compliance Agent Brad Hammons observed Chad M. Burch, License to Practice Pharmacy, Certificate of Registration Number E-16079, supervising five (5) pharmacy technicians from 11:30 a.m. to 12:00 noon at D&B Discount Drugs, Permit #01593/1.1. Tracy Nichols (PT-08857), Brandi Neuhaus (PT-0159), Jigarkumar Patel (PT-223285), Rinkuben Patel (PT-220770) and Ashokkumar Patel (PT-220662) all performed pharmacy technician duties for the pharmacy while Burch was the only pharmacist present.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

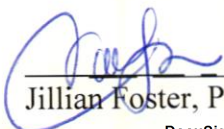
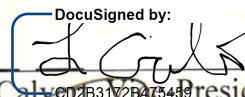
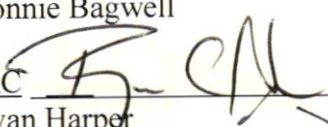
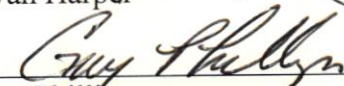
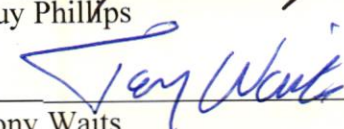
- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacist license by the Board, License to Practice Pharmacy, Certificate of Registration Number E-16079, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

FINAL ORDER OF THE BOARD

This matter is referred back to the Investigative Review Committee (IRC) for further consideration.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<small>DocuSigned by:</small>  Larry Calver, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRC J. Todd Barrett, Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<u>IRC</u>
Ronnie Bagwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRC  Ryan Harper	<input type="checkbox"/>	<input type="checkbox"/>	<u>IRC</u>
 Guy Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Chad Burch 3/2021

Came on March 25, 2021, the matter of Marcus D. Kendall, License to Practice Pharmacy, Certificate of Registration Number T-010833, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

MARCUS D. KENDALL
1737 MATT SPRINGS DRIVE
LAWRENCEVILLE, GA 30045

LICENSE TO PRACTICE PHARMACY NUMBER T-010833

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

On July 16, 2015, Petitioner's license was placed on probation for two years pursuant to the admission of theft of controlled substances. Petitioner requests the Board to remove the prior disciplinary action from his record or in the alternative, to modify the language reported to the national Practitioner Data Bank (NPDB) so that he can find suitable employment. The Board heard testimony about the difficulties the Petitioner was having finding suitable employment.

ACTION OF THE BOARD

The Board voted to modify the language reported to the NPDB as a result of the July 16, 2015 Board Order follows:

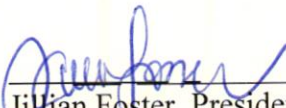
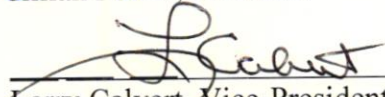
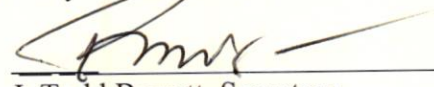
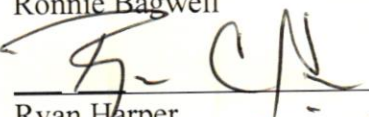
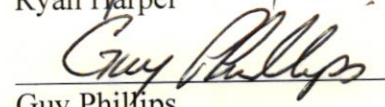
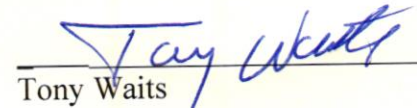
For the "Basis for Initial Action", the Board voted to list the action as, "Other".

For the "Description", the Board voted to submit the following language:

"After reviewing the scenario underlying Licensee's voluntary surrender of his Georgia pharmacist license, the Board determined Licensee was competent to maintain his Mississippi license, placed his license on two years of probation, and required him to pay the \$414.52 cost of the investigation."

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

ORDERED AND AGREED TO, this the 25th day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Larry Calvert, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronnie Bagwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ryan Harper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Guy Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Marcus Kendall 3/2021

Came on March 25, 2021, the matter of Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

BRETT J. BALDERSON
5671 LILES LANE
OLIVE BRANCH, MS 38654

LICENSE TO PRACTICE PHARMACY NUMBER E-010433
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

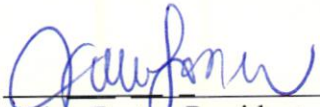
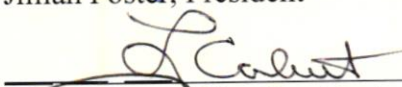
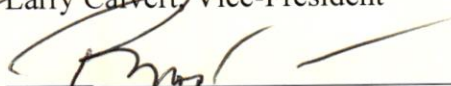
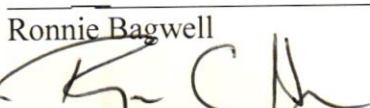
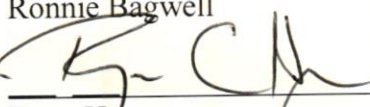
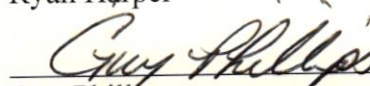
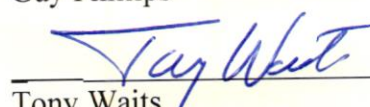
On November 19, 2020, the Board held an administrative hearing concerning charges filed against the Petitioner's license. Petitioner did not appear at the hearing and the hearing was held in Petitioner's absence. Petitioner's license was revoked. Petitioner requests the Board to reconsider the revocation order. Petitioner presented an addiction evaluation report that verified that he did not have an addiction problem.

ACTION OF THE BOARD

Based on the evidence presented, the Board voted to rescind the November 19, 2020 Order of the Board which revoked Petitioner's license, reinstate his license to active status and dismiss the charges against him.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Larry Calvert, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Guy Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Came on March 25, 2021, the matter of Brandi Cornelius, Pharmacy Intern/Extern Registration Number IE-07215, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

BRANDI CORNELIUS
2656 HEMINGWAY CIRCLE
JACKSON, MS 39209-7026

PHARMACY INTERN/EXTERN REGISTRATION NUMBER IE-07215
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested reinstatement/renewal of her Pharmacy Intern/Extern Registration Number IE-07215. Petitioner's registration had expired due to medical problems prior to her completing all requirements to be licensed as a pharmacist. The Board had previously extended the Petitioner's registration several times for various reasons.

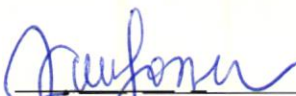
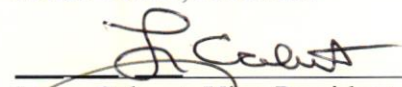
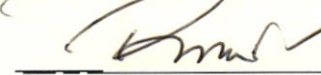

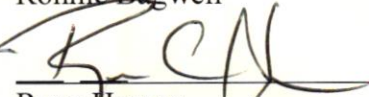
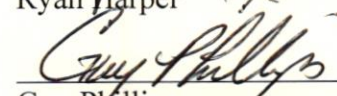
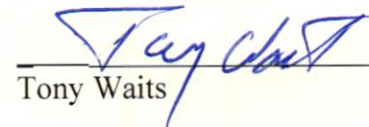
ACTION OF THE BOARD

After a hearing on the matter, there were no motions presented to the Board. Due to no action being taken by the Board on this matter, the Petitioner's request is denied.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Larry Calvert, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Guy Phillips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Brandi Cornelius 3/2021

Came on March 25, 2021, the matter of Yolanda M. Buie, License to Practice Pharmacy, Certificate of Registration Number E-08440, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

YOLANDA M. BUIE
4900 PEAR RIDGE ROAD
APT. 715
DALLAS, TX 75287

LICENSE TO PRACTICE PHARMACY NUMBER E-08440
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested reinstatement of her pharmacist license. Petitioner's license had expired and Petitioner had submitted a retirement letter to the Board in December 2018 due to medical reasons.

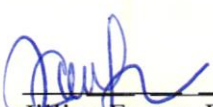
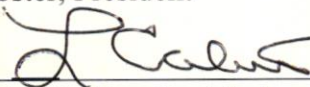
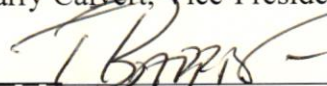
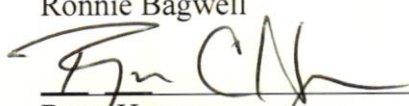
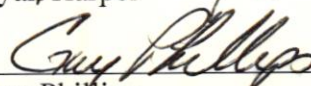
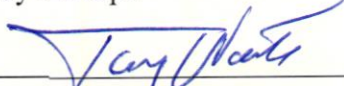
ACTION OF THE BOARD

After a hearing on the matter, there were no motions presented to the Board. Due to no action being taken by the Board on this matter, the Petitioner's request is denied.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Larry Calvert, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronnie Bagwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ryan Harper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Guy Phillips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Yolonda Buie 3/2021

Came on March 25, 2021, the matter of Erica V. Newburn, Pharmacy Intern/Extern Registration Number IE-08419, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

ERICA V. NEWBURN
650 DOGWOOD HILLS LANE
GALLION, AL 36742

PHARMACY INTERN/EXTERN REGISTRATION NUMBER IE-08419

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested renewal/extension of her Pharmacy Intern/Extern Registration Number IE-08419. Petitioner's registration was set to expire prior to passing the NAPLEX.

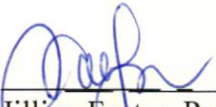
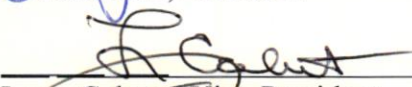
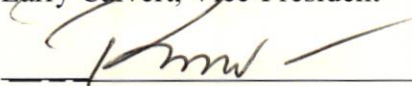

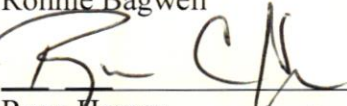
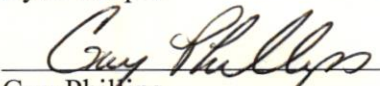
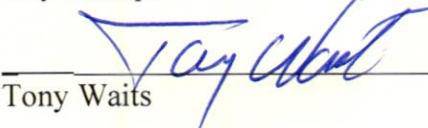
ACTION OF THE BOARD

Based on the evidence presented, the Board voted to grant the Petitioner's request and extend her Pharmacy Intern/Extern Registration for six (6) months. Pharmacy Intern/Extern Registration Number IE-08419 shall expire September 26, 2021.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Larry Calvert, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronnie Bagwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ryan Harper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Guy Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Erica Newburn 3/2021

Came on March 25, 2021, the matter of Briannica Thomas, Pharmacy Intern/Extern Registration Number IE-8516, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

BRIANNICA P. THOMAS
370 KEARNEY ROAD
CANTON, MS 39046

PHARMACY INTERN/EXTERN REGISTRATION NUMBER IE-8516

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested Board approval to retake the NAPLEX again. Petitioner had failed the NAPLEX several times and needed permission from the Board to reschedule the NAPLEX before her practical hours expired.

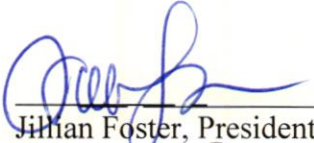
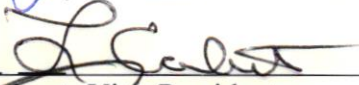
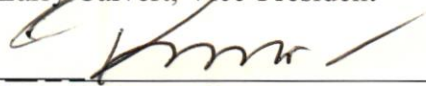
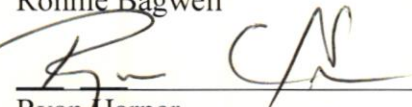


ACTION OF THE BOARD

Based on the evidence presented, the Board voted to grant the Petitioner's request and allow her to retake the NAPLEX prior to her intern/extern practical hours expiring.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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ORDERED AND AGREED TO, this the 25st day of March 2021.

	AYE	NAY	RECUSE
 Jillian Foster, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Larry Calvert, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronnie Bagwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ryan Harper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Guy Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tony Waits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Briannica Thomas 3/2021