

MISSISSIPPI BOARD OF PHARMACY MINUTES

September 21, 2023

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, September 21, 2023 at the Board offices, 6360 I-55 N. Suite 400, Jackson, MS 39211. The following members were present: Ronnie Bagwell – President, Tony Waits – Vice-President, Jillian Foster – Secretary, Ryan Harper, Craig Sartin, David Hudson, and Michael Gilbow.

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 July 13th, 2023, Meeting of the Mississippi Board of Pharmacy.
- ❖ Requests for approval of the following pharmacy continuing education programs:
 - ❖ APPROVE ISSUANCE OF PHARMACIST LICENSES
 - ❖ REQUESTS FOR APPROVAL OF THE FOLLOWING PHARMACY CONTINUING EDUCATION PROGRAMS:
 - PROGRAM NUMBER 007-018-023-001, “**Substance Abuse Disorder**”, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
 - PROGRAM NUMBER 007-018-023-002, “**Treating Opioid Use Disorder in the Pregnant and Parenting Population**”, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
 - PROGRAM NUMBER 007-018-023-003, “**Addiction, Chronic Pain & Buprenology**”, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
 - PROGRAM NUMBER 007-021-023-003, “**Igalmi SL**”, as requested by Jon Arnold for 0.5 clock hours of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 008-004-023-001, “**A Pharmacist Guide to Medical Cannabis in Mississippi**”, as requested by Robert Dozier-MIPA for 2 clocks hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
 - PROGRAM NUMBER 008-004-023-002, “**Candida Auris**”, as requested by Lindsey Stout for 0.5 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER 008-004-023-003, **"Stopping Stigma Starts With You"**, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-007-023-001, **"Recovery Tools That Can Benefit Everyone"**, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-007-023-002, **"Personality Traits Linked to Addiction"**, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-016-023-001, **"Summer Quarterly Journal"**, as requested by MPHA for 2 clock hours of pharmacist continuing education credit (Credit granted for August 18, 2023-August 18, 2024).
- PROGRAM NUMBER 008-018-023-001, **"Utilizing Antibiograms to Improve Antibiotic Prescribing Practices"**, as requested by Lori Emory for 1 clock hours of pharmacist continuing education credit (Credit granted for January 1, 2024-December 31, 2024).
- PROGRAM NUMBER 008-023-023-001, **"Pancreatitis"**, as requested by Victoria Wright for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-028-023-002, **"Pump the Brakes on PPIs: PPIs and Antimicrobial Resistance"**, as requested by Kaylee Hall for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-028-023-003, **"Substance Use Disorders: Management, Stigma, Treatment"**, as requested by MIPA for 2 clock hours of LIVE pharmacist continuing education credit (September Presentation).
- PROGRAM NUMBER 008-028-023-004, **"Substance Use Disorders: Management, Stigma, Treatment"**, as requested by MIPA for 2 clock hours of LIVE pharmacist continuing education credit(November Presentation).
- PROGRAM NUMBER 008-029-023-001, **"Empowering Pharmacists: Gender Affirming in Healthcare Settings"**, as requested by Jon Arnold for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-007-023-001, **"An Infectiously(Gram) Positive Attitude on Oral Antibiotics for Staphylococcus Aureus Bacteremia"**, as requested by Hiba Shaikhli for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-001, **"Comparing the Efficacy of Cockcroft-Gault vs 2021 CKD-EPI for Renal Dosing"**, as requested by Selena Hernandez for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-002, **"The ABCs of Bone Agents: An Introduction of Type, Mechanisms and Uses"**, as requested by Selena Hernandez for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-003, **"The Pressure is On..or Is it? The Effect of Ketamine on Intracranial Pressure in Pediatric Patients"**, as requested Lauren Puzz for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-004, **"High, Low or No.. Which Way To Go: Aspirin in Kawasaki Dosing"**, as requested by Hallie Austin for 0.5 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER MBP-18-8771-OP, “**Drug Diversion Awareness for Pharmacists In Charge**”, as requested by Compliance Division of the MS Board of Pharmacy for 1 clock hour of pharmacist continuing education credit and Opioid/Addiction Credit.

❖ CONSULTANT WAIVER REQUESTS

- Brett Ballew
- William Ross Stanley
- Amber Johnson

❖ MEMBERSHIPS AND FEES TO BE PAID FY 2024

- Pharmacist staff renewal fees for 2023

❖ MCGOWEN PROPOSED SETTLEMENT

EXECUTIVE DIRECTOR REPORT

Susan McCoy reported all voluntary surrenders submitted to the Board since its last meeting:

- **Santana Strickland-Technician**
- **Keshia Fuller-Technician**
- **Brent Lindley-Pharmacist**
- **Lil’Torya Walker-Technician**
- **Elizabeth C. Jenkins-Technician**

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

REGULATION WORKING GROUP

Todd Dear, Associate Director, presented the following regulations:

- **Article XXXI**
- **Article XLIX**

Upon recommendation by staff, the Board adopted Article XXXI as a proposed regulation. Board members Tony Waits, Jillian Foster, Ryan Harper, Craig Sartin, David Hudson and Michael Gilbow voted to adopt the proposed regulation. Board member Ronnie Bagwell voted against the adoption of the proposed regulation.

Upon a recommendation by staff, the Board adopted Article XLIX as a final regulation without objection.

GENERAL BUSINESS

- Presentation by Wes Pitts from North Mississippi Medical Center and On Demand Pharmacy

Upon a motion by Board member Craig Sartin and a 2nd by Board member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(j) for the purposes of discussing the location and/or expansion of a business or medical service. On a motion by Board member Tony Waits and a 2nd by Board member Craig Sartin, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during executive session.

Upon a motion by Board member Jillian Foster and a 2nd by Ryan Harper, the Board voted to approve a six-month pilot program of the North Mississippi Medical Center allowing the hospital to contract with On Deman Pharmacy to operate a 503A pharmacy in a sterile compounding facility located on the grounds of NMMC, which will compound five specific drugs listed on the FDA shortage list. A pharmacist is required to be physically present in the facility to supervise pharmacy technician on staff. Board members Ronnie Bagwell, Tony Waits, Jillian Foster, Ryan Harper, David Hudson and Michael Gilbow voted in favor of the motion. Board member Craig Sartin voted against the motion.

RESPONDENTS

Prior to any administrative hearings being conducted before the Board, Executive Director Susan McCoy stepped down from the Board table.

Sports Medicine Pharmacy, Permit to Operate as a Pharmacy, Permit Number 14908/2.0

Upon a motion by Board member Ryan Harper and a 2nd by David Hudson, the Board voted unanimously to approve the proposed agreed settlement order with Sports Medicine Pharmacy. See the attached Settlement Order.

Billy R. Calvert, License to Practice Pharmacy Number E-06750

After the Respondent declined the proposed agreed settlement order, the administrative hearing on this matter was rescheduled to the November 16, 2023, Board Meeting.

Magnolia Medical Supply, LLC, Medical Equipment Supplier Permit # 18371/11.1

Upon a motion by Board member Craig Sartin and a 2nd by Board member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing appealable order of the Board. On a motion by Board member Jillian Foster and a 2nd by Board member Tony Waits, the Board voted unanimously to rise from

executive session and enter open session. It was reported that no action was taken during the executive session.

Upon a motion by Board member Tony Waits and a 2nd by Board member David Hudson, the Board voted unanimously to approve the proposed agreed settlement order with Magnolia Medical Supply.

See the attached Settlement Order.

TX ProMed Pharmacy

After an administrative hearing on this matter, the Board issued the attached Order.

PETITIONERS

Tip Allen Williams, License to Practice Pharmacy, Certificate of Registration D-07671

After an administrative hearing on this matter, the Board issued the attached Order.

Markus Coleman, Intern/Extern Registration IE-8599

After an administrative hearing on this matter, the Board issued the attached Order.

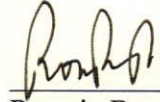
James Beard, License to Practice Pharmacy, Certificate of Registration E-15066

After an administrative hearing on this matter, the Board issued the attached Order.

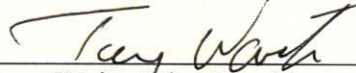
Upon a motion by Board member Tony Waits and a 2nd by Board member Craig Sartin, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing potential litigation regarding the adoption of a rule. On a motion by Board member Tony Waits and a 2nd by Board member David Hudson, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during executive session.

The Board adjourned at 2:16 p.m.

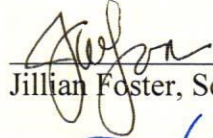
These September 21, 2023, MINUTES of the Board are hereby approved this the 15th day of November, 2023.



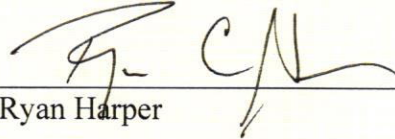
Ronnie Bagwell, President



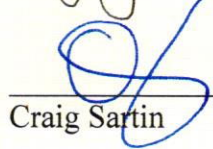
Tony Waits, Vice-President



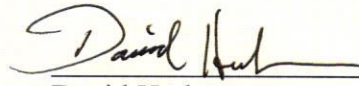
Jillian Foster, Secretary



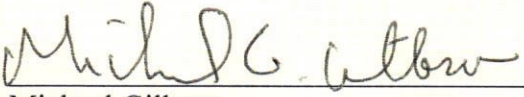
Ryan Harper



Craig Sartin



David Hudson



Michael Gilbow

Mississippi Board of Pharmacy
September 21, 2023

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
 - Brett Ballew
 - William Ross Stanley
 - Amber Johnson
- MEMBERSHIPS AND FEES TO BE PAID FY 2024
 - Pharmacist staff renewal fees for 2023
- MCGOWEN PROPOSED SETTLEMENT

III. EXECUTIVE DIRECTOR REPORT

- VOLUNTARY SURRENDERS-
 - Gary Holland, Pharmacy Technician
 - Lajohnya Montgomery, Pharmacy Technician
 - Mya Kasha Walker, Pharmacy Technician

IV. REGULATION WORKING GROUP

- USP 795, 797, and 800
- Shared Services
- Article XXXI Compounding Guidelines

V. GENERAL BUSINESS

- NMMC/On Demand Pharmacy—Wes Pitts

VI. RESPONDENTS

- | | |
|----------------------------|------------|
| • Sports Medicine Pharmacy | Settlement |
| • Billy R. Calvert | Settlement |
| • Magnolia Medical Supply | Respondent |
| • TX Pro Med | Respondent |

VII. PETITIONERS

- | | |
|----------------------|------------|
| • Tip Allen Williams | Petitioner |
| • Markus Coleman | Petitioner |
| • James Beard | Petitioner |

Came on September 21, 2023, the matter of McGowen Enterprises, d/b/a Acute Care Pharmaceuticals, herein referred to as Respondent, pursuant to a settlement proposal with the Mississippi Board of Pharmacy.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

MCGOWEN ENTERPRISES, INC.
d/b/a ACUTE CARE
PHARMACEUTICALS, LLC
12195 DEARBORN PLACE
POWAY, CA

PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of McGowen Enterprises, d/b/a Acute Care Pharmaceuticals ("Respondent"), pursuant to Section 73-21-97(l)(n), Mississippi Code of 1972, Annotated.

PROCEEDINGS

On January 19, 2023, the Board held an administrative hearing concerning the charges against the Respondent. Respondent is alleged to have committed the following violation:

Mississippi Code Annotated Section 73-21-105 (1) which provides in relevant part:

Every facility/business that engages in the wholesale distribution of prescription drugs, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in this state, or distribution from or within this state, and every reverse distributor located in or outside this of state that conducts business with pharmacies in this state, shall register biennially or annually, to be determined by the board, with the Mississippi State Board of Pharmacy by applying for a permit on a form supplied by the board and accompanied by a fee as set by subsection (4) of this section.

Specifically, Respondent distributed prescription drug products into the State of Mississippi to MAE Physicians Surgery Center in Jackson, Mississippi in January 2022 and had not obtained a permit from the Board to operate as a wholesale drug distributor.

The Board entered an Order imposing a monetary penalty pursuant to Section 73-21-103(1)(d)(iii) on Respondent in the amount of One Million Twenty-One Thousand Two Hundred Twenty-Four Dollars and Eleven Cents (\$1,021,224.11) for doing business without a permit.

On March 23, 2023, the Board held a hearing in response to a petition filed by Respondent to reconsider the Board's January 19, 2023, Order, whereafter the Board voted to amend its January 19, 2023, Order to hold all but Ten Thousand Dollars (\$10,000.00) of the monetary penalty and the cost of investigation in abeyance for five (5) years from the date the amended Order. According to the March 23, 2023, Order, if the Petitioner were able to remain in compliance with both state law

and the regulations of the Board during the five (5) year abeyance period, then the remaining balance of the monetary penalty held in abeyance would be discharged on March 23, 2028. According to the Board's Order, all other provisions of the January 19, 2023, Order were to remain unchanged.

SETTLEMENT AGREEMENT

Pursuant to discussions between Board Counsel and the Respondent, being represented by counsel, 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 subject to jurisdiction of the Board pursuant to Section 73-21-97(l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent neither admits nor denies violations of Mississippi Code Annotated Sections 73-21-105(1) or 73-21-103(1)(d)(vii).
- (4) The Respondent and Board Agree to the settlement stated below as approved 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.

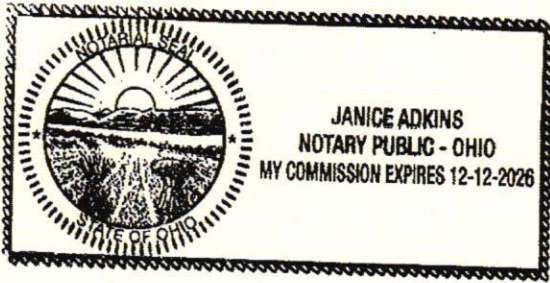
- The Order of this Board issued January 19, 2023, and Order issued March 23, 2023, shall be set aside and vacated upon the dismissal of the appeal of those Orders filed by Respondent and shall be replaced by this Order.
- The Respondent shall pay the sum of \$15,000.00, plus costs of investigation (\$224.11), for a total of \$15,224.11, as a settlement of all claims that were or could have been alleged by the Board in this matter.
- The Board releases the Respondent from any actions involving the Respondent occurring prior to the date of this Order that constitutes doing business without a permit in Mississippi.
- The monetary settlement is due and payable by the Respondent within thirty (30) days of receipt of this Order.

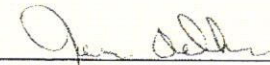
I hereby agree to the findings and terms of this Agreed Settlement Order:



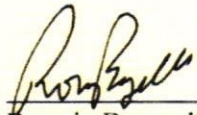
Representative for McGowen Enterprises,
d/b/a Acute Care Pharmaceuticals

Subscribed and Sworn to me, in my presence, this 28 day of September, 2023.

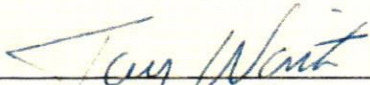



NOTARY PUBLIC

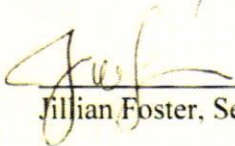
ORDERED AND AGREED TO, this the 21st day of September 2023.



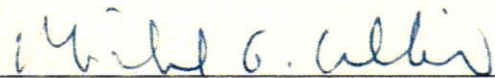
Ronnie Bagwell, President



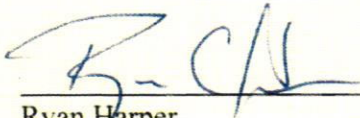
Tony Waits, Vice-President



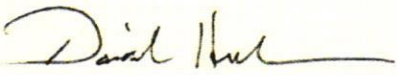
Jillian Foster, Secretary



Michael Gilbow



Ryan Harper



David Hudson



Craig Sartin

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

ARTICLE XXXI COMPOUNDING GUIDELINES

Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals that is not a licensed 503B pharmacy following good manufacturing practices (GMP) shall comply with USP 795, USP 797, and USP 800 when compounding in the scope of those chapters. The designated facility USP representative must be a pharmacist licensed in the State of Mississippi.

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.
 - vi. A compounding certificate shall become inactive if a pharmacy fails to compound any prescriptions in a calendar year. A pharmacy may not compound prescriptions with an inactive compounding certificate. A pharmacy may petition the Board to activate a compounding certificate that is inactive.
 - vii. Any pharmacy with an active compounding certificate is subject to a compounding inspection by the Board.
- B. Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, a pharmacy may compound, for an individual patient, medications that are not commercially available in the marketplace. Compounding and manufacturing, as defined within the regulations, are not permitted in the same facility. A pharmacy may not Compound a Drug that appears on the FDA List of Drugs withdrawn or removed from the market for Safety Reasons or on the FDA List of Drug products that present demonstrable difficulties in compounding.
- C. For the purpose of this Article, flavoring is not considered compounding. In addition, the combining of commercially manufactured, ready- to-use products shall be exempt from USP 795 compounding standards under the following conditions:
 - i. No more than four (4) commercially manufactured ready-to-use products (that have not been manipulated) are used;
 - ii. Compounding is not done in anticipation of medication orders;
 - iii. Must follow USP 795 beyond use dates (BUDs);

- iv. A valid prescription shall serve as the compounding record;
- v. The prescription label shall comply with all related USP chapter requirements as well as the labeling requirements as set forth in Article XIV of these regulations.
- D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.
- E. Pharmacies shall not offer compounded human drug products to practitioners or to other pharmacies for resale or dispensing. However, patient specific medications may be prepared on behalf of a pharmacy permitted as an Institutional I, Hospital, 3.1 pharmacy for an inpatient at that facility. Pharmacies may compound patient specific medications for office administration by a practitioner.
- F. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services (e.g., chemicals, devices and information when requested); however, they shall not solicit business by promoting to compound specific drug products (e.g., like a manufacturer).
- G. The compounding of inordinate amounts of drugs in anticipation of receiving prescriptions without any historical basis or the distribution of inordinate amounts of compounded products without a patient/practitioner/pharmacist relationship is considered manufacturing.

2. RECORDS

- A. The pharmacy shall keep records of all compounded products as required by the Mississippi Board of Pharmacy. Such records shall be readily available for authorized inspection during the retention period at the establishment. These records shall be subject to duplication by photocopying or other means of reproduction as part of any such inspection.
- B. Drug Orders: The pharmacist must receive a written, electronic or verbal order from an authorized prescriber before dispensing any compounded product.
 - i. If the drug order is for an inpatient at an institutional facility, a copy of the patient's medication order may serve as an order for the preparation and dispensing of the compounded product. This and the medication administration record may be maintained as the permanent record in medical records at the facility.
 - ii. If the drug order is for an outpatient, the order must be in the form of a prescription document or a patient medication order sheet which contains, at a minimum, the following:
 - (1) Patient name;
 - (2) Patient address;
 - (3) name of medication and strength;

- (4) Directions for use;
 - (5) Date;
 - (6) Prescriber's name;
 - (7) Physician's address and Drug Enforcement Administration registration number, if applicable;
 - (8) Refill instructions.
 - C. Prescriptions for compounded products shall be filed in accordance with the prescription recordkeeping provisions of these regulations. Patient medication order sheets used as authorization for the dispensing of drugs shall be filed in an easily retrievable manner.
- 3. COMPOUNDING WHEN COMMERCIAL PRODUCTS ARE NOT AVAILABLE
 - A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:
 - i. Products that appear as unresolved status on the FDA drug shortage list in effect under section 506E of the FD&C Act; or
 - ii. Products discontinued and no longer marketed by the manufacturer.
- 4. COMPOUNDING FOR VETERINARY USE
 - A. All compounding for non-human medications must follow USP 795/797/800 compounding standards.
 - B. A pharmacy may compound a preparation intended for administration to an animal patient:
 - i. Pursuant to a patient specific prescription; or
 - ii. Pursuant to a non-patient specific order from a veterinarian.
 - C. The label for non-patient specific compounded preparations shall contain, at a minimum, the following:
 - i. Pharmacy's name, address and telephone number;
 - ii. Veterinarian's name;
 - iii. Name of preparation;
 - iv. Strength and concentration;
 - v. Lot number;
 - vi. Beyond use date (BUD);
 - vii. Special storage requirements, if applicable;
 - viii. Name or initials of the pharmacist responsible for final check of the preparation.

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

ARTICLE XXXI COMPOUNDING GUIDELINES

Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals that is not a licensed 503B pharmacy following good manufacturing practices (GMP) shall comply with USP 797 and 795 standards 795, USP 797, and USP 800 when compounding in the scope of those chapters. The designated facility USP representative must be a pharmacist licensed in the State of Mississippi.

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.
- vi. A compounding certificate shall become inactive if a pharmacy fails to compound any prescriptions in a calendar year. A pharmacy may not compound prescriptions with an inactive compounding certificate. A pharmacy may petition the Board to activate a compounding certificate that is inactive.
- vii. Any pharmacy with an active compounding certificate is subject to a compounding inspection by the Board.

B. Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, a pharmacy may compound, for an individual patient, medications that are not commercially available in the marketplace. Compounding and manufacturing, as defined within the regulations, are not permitted in the same facility. A pharmacy may not Compound a Drug that appears on the FDA List of Drugs withdrawn or removed from the market for Safety Reasons or on the FDA List of Drug products that present demonstrable difficulties in compounding.

C. For the purpose of this Article, flavoring is not considered compounding. In addition, the combining of commercially manufactured, ready- to-use products shall be exempt from USP 795 compounding standards under the following conditions:

- i. No more than four (4) commercially manufactured ready-to-use products (that have not been manipulated) are used;
- ii. Compounding is not done in anticipation of medication orders;
- iii. Must follow USP 795 beyond use dates (BUDs);

- iv. A valid prescription shall serve as the compounding record;
- v. The prescription label shall comply with all related USP chapter requirements as well as the labeling requirements as set forth in Article XIV of these regulations, ~~and also include:~~
 - 1. ~~Name of Preparation;~~
 - 2. ~~Strength and concentration of each component;~~
 - 3. ~~Beyond Use Date;~~
 - 4. ~~Special storage requirements, if applicable; and~~
 - 5. ~~Cautionary auxiliary labels, if applicable.~~
- D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.
- E. Pharmacies shall not offer compounded human drug products to practitioners or to other pharmacies for resale or dispensing. However, patient specific medications may be prepared on behalf of a pharmacy permitted as an Institutional I, Hospital, 3.1 pharmacy for an inpatient at that facility. Pharmacies may compound patient specific medications for office administration by a practitioner.
- F. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services (e.g., chemicals, devices and information when requested); however, they shall not solicit business by promoting to compound specific drug products (e.g., like a manufacturer).
- G. The compounding of inordinate amounts of drugs in anticipation of receiving prescriptions without any historical basis or the distribution of inordinate amounts of compounded products without a patient/practitioner/pharmacist relationship is considered manufacturing.

2. RECORDS

- A. The pharmacy shall keep records of all compounded products as required by the Mississippi Board of Pharmacy. Such records shall be readily available for authorized inspection during the retention period at the establishment. These records shall be subject to duplication by photocopying or other means of reproduction as part of any such inspection.
- B. Drug Orders: The pharmacist must receive a written, electronic or verbal order from an authorized prescriber before dispensing any compounded product.
 - i. If the drug order is for an inpatient at an institutional facility, a copy of the patient's medication order may serve as an order for the preparation and dispensing of the compounded product. This and the medication administration record may be maintained as the permanent record in medical records at the facility.
 - ii. If the drug order is for an outpatient, the order must be in the form of a prescription document or a patient medication order sheet which contains, at a minimum, the following:
 - 1. Patient name;
 - 2. Patient address;

3. name of medication and strength;
 4. Directions for use;
 5. Date;
 6. Prescriber's name;
 7. Physician's address and Drug Enforcement Administration registration number, if applicable;
 8. Refill instructions.
 - C. Prescriptions for compounded products shall be filed in accordance with the prescription recordkeeping provisions of these regulations. Patient medication order sheets used as authorization for the dispensing of drugs shall be filed in an easily retrievable manner.
3. COMPOUNDING WHEN COMMERCIAL PRODUCTS ARE NOT AVAILABLE
 - A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:
 - i. Products that appear as unresolved status on the FDA drug shortage list in effect under section 506E of the FD&C Act a website maintained by the federal Food and Drug Administration (FDA) and/or the American Society of Health Systems Pharmacists (ASHP); or
 - ii. Products temporarily unavailable discontinued and no longer marketed by from the manufacturer, as documented by invoice or other communication from the distributor or manufacturer.
4. COMPOUNDING FOR VETERINARY USE
 - A. All compounding for non-human medications must follow USP 795/797/800 compounding standards.
 - B. A pharmacy may compound a preparation intended for administration to an animal patient:
 - i. Pursuant to a patient specific prescription; or
 - ii. Pursuant to a non-patient specific order from a veterinarian.
 - C. The label for non-patient specific compounded preparations shall contain, at a minimum, the following:
 - i. Pharmacy's name, address and telephone number;
 - ii. Veterinarian's name;
 - iii. Name of preparation;
 - iv. Strength and concentration;
 - v. Lot number;
 - vi. Beyond use date (BUD);
 - vii. Special storage requirements, if applicable;
 - viii. Name or initials of the pharmacist responsible for final check of the preparation.

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

ARTICLE XLIX SHARED SERVICES

“Shared Pharmacy Services” means a system that allows a participating Pharmacist or Pharmacy pursuant to a request from another participating Pharmacist or Pharmacy to process or fill a Prescription Drug Order, which may include preparing, packaging, labeling, compounding for specific patients, dispensing, performing drug utilization reviews, conducting claims adjudication, obtaining refill authorizations, reviewing therapeutic interventions, and/or reviewing institutional facility orders. Pharmacies participating in shared pharmacy services must have the same owner or common practice setting.

However, the originating pharmacy must be the filling and dispensing pharmacy. Additionally, the originating pharmacy must be permitted with the Board and comply with Board regulations including the technician to pharmacist ratio. The receiving pharmacy of a legal transfer pursuant to Article XV is deemed to be the originating pharmacy.

Any pharmacist participating in shared pharmacy services shall be licensed in Mississippi unless they are working onsite at a permitted non-resident facility. All participating pharmacists must comply with Board regulations including the technician to pharmacist ratio.

Before participating in shared pharmacy services, the originating pharmacy shall have either a current resident or non-resident pharmacy permit issued by the Board and indicate they are participating in shared pharmacy services during the registration and renewal process.

- A. A pharmacy or pharmacist may provide or utilize shared pharmacy services functions only if the pharmacy or pharmacist involved:
 - 1. Has a written agreement or policy that outlines the services provided by each pharmacy and the shared responsibilities of each pharmacy in complying with federal and Mississippi pharmacy statutes and regulations, and
 - 2. Maintains a list of the names, addresses, telephone numbers, and all license and permit numbers of the pharmacies involved in pharmacy shared services; and
 - 3. Shares a common electronic file or technology that allows access to information necessary or required to perform shared pharmacy services in conformance with the Mississippi Pharmacy Act and the Board’s rules, and
 - 4. The original unaltered prescription must be accessible to all parties at each stage of the process.
 - 5. The pharmacy that originally received the prescription must perform final verification.
- B. Any originating pharmacy that is utilizing shared pharmacy services must provide sufficient on-site pharmaceutical services that meet the needs of the patients. The facility must have an on-site licensed pharmacist directing this service.

- C. Before using any shared pharmacy services provided by another pharmacy, the originating pharmacy shall:
 - 1. Notify patients that their orders may be accessed, and non-filling functions performed by another pharmacy; and allow a pathway for the patient to opt-out.
 - 2. Provide the name of that pharmacy or, if the pharmacy is part of a network of pharmacies under common ownership and any of the network pharmacies may assist, notify the patient of this fact.
 - 3. Provide the phone number of the pharmacy utilizing shared services that has access to the patient's records.
- D. Any pharmacy or pharmacist engaged in shared pharmacy services shall:
 - 1. Maintain manual or electronic records that identify, individually for each order, the name, initials, or identification code of each pharmacist, pharmacy extern or intern, and pharmacy technician who took part in the order interpretation, order entry, drug utilization review, drug compatibility and drug allergy review, therapeutic intervention, refill authorization or other non-filling functions performed at that pharmacy as allowed in their respective scope.
 - 2. Report to the Board within thirty (30) days the results of any disciplinary action taken by another state's pharmacy regulatory agency involving shared pharmacy services.
 - 3. Maintain a mechanism for tracking the order during each step at all participating pharmacies.
 - 4. Provide adequate security to protect the confidentiality and integrity of patient information.
 - 5. Provide for inspection any required record or information within forty-eight (48) hours upon request by the Board or its designee.
 - 6. Operate a continuous quality improvement program for shared pharmacy services, designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems. This includes maintaining records of any complaints or errors that may involve shared pharmacy services.
- E. Nothing in this section shall prohibit an individual pharmacist licensed in Mississippi, who is an employee of or under contract with a pharmacy, from accessing that pharmacy's electronic system from inside or outside the pharmacy and performing shared pharmacy services permitted by the Mississippi Pharmacy Act and Board regulations, if all of the following conditions are met:
 - 1. The pharmacy establishes controls to protect the confidentiality and integrity of patient information.
 - 2. None of the information is duplicated, downloaded, or removed from the pharmacy's electronic system
 - 3. The remote accessing of the pharmacy record is not permitted by non-pharmacist support staff without the direct supervision of a co-located pharmacist.

On September 21, 2023, came the matter of Sports Medicine Pharmacy, Pharmacy Permit Number 14908/2.0, 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:

SPORTS MEDICINE PHARMACY
4506 LAKE LAND DRIVE
FLOWOOD, MS 39232

PERMIT TO OPERATE AS A PHARMACY, PERMIT NUMBER 14908/2.0

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Sports Medicine Pharmacy, Pharmacy Permit Number 14908/2.0, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Sports Medicine Pharmacy, Pharmacy Permit Number 14908/2.0, is alleged to have committed the following violations:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 F:

- 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 IX, ACTION AGAINST PERMITS, Paragraph 1.B:

- 1. The Board of Pharmacy may refuse to issue or renew, or may suspend, summarily suspend, place on probation, revoke, reprimand, or restrict the permit of any permitted facility and/or impose a monetary penalty upon one or more of the following grounds:
 - B. Any act by any person in the conduct of the activities of the facility which is a violation of the rules and regulations of the Board of Pharmacy.

Count 1:

Violation of Mississippi Pharmacy Practice Regulations, ARTICLE VIII, RESPONSIBILITY OF PHARMACIST/PHARMACIST CARE, Paragraph 1. C. (2):

- 1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:
 - C. In the dispensing of medications for ambulatory (or outpatients):
 - (2) The pharmacist shall be present and personally supervising the activities of the pharmacy technician at all times;

Specifically, Keisha Fuller, Pharmacy Technician Registration #PT-213332, admitted that she worked in the pharmacy and even dispensed prescriptions when there was no pharmacist present. Billy R. Calvert, Pharmacist License #E-06750, the pharmacist-in-charge, admitted that Fuller had been in the pharmacy without pharmacist supervision.

Count 2:

Violation of Mississippi Pharmacy Practice Regulations, ARTICLE XI, STOCK CONTAINER LABELING, OUTDATED MERCHANDISE, SANITATION, DISPENSING AND STORAGE REQUIREMENTS, Paragraph 4:

- 4. A pharmacist or a pharmacy shall not accept the return for subsequent resale or exchange any drug after such drug has been taken from the premises where sold, distributed or dispensed and from the control of the pharmacist.**

Specifically, Billy R. Calvert, Pharmacist License #E-06750, the pharmacist-in-charge, acknowledged that he accepted returns of controlled substances from patients of drugs not only dispensed by Sports Medicine Pharmacy, but also dispensed from other pharmacies. Keisha Fuller, Pharmacy Technician Registration #PT-213332, stated that some of this medication was used to dispense to patients when the pharmacy was out of a specific drug.

Count 3:

Violation of Mississippi Pharmacy Practice Regulations, ARTICLE XIX, DISPENSING OF SCHEDULE II CONTROLLED SUBSTANCES, Paragraphs 1, A, B:

- 1. A pharmacist may dispense a Schedule II controlled substance only pursuant to a valid written prescription/order signed by the prescribing practitioner except as described as follows:**
 - A. When a Schedule II controlled substance is needed in a situation in which a written prescription cannot reasonably be obtained, it may be considered an emergency situation and a pharmacist may dispense a Schedule II controlled substance pursuant to an oral prescription of a practitioner. A Schedule II controlled substance prescription given in this manner shall be reduced to writing by the pharmacist and shall be for a quantity of medication sufficient for the emergency period, not to exceed 48 hours. Within seven (7) days of the receipt of an oral prescription for a Schedule II controlled substance, the pharmacist shall obtain a prescription signed by the prescribing practitioner for the medication dispensed. This prescription shall be attached to the copy of the prescription prepared by the pharmacist pursuant to the prescriber's oral order.**
 - B. A prescription for a controlled substance in Schedule II may be transmitted from the prescribing practitioner to a pharmacy via facsimile provided the original signed prescription is presented to the pharmacist for review prior to dispensing of the controlled substance. The original prescription shall be maintained in accordance with ARTICLE XIII of these regulations.**

Specifically, Billy R. Calvert, Pharmacist License #E-06750, admitted that there were instances when he filled controlled substance prescriptions without a prescriber's signature.

Count 4:

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, Billy R. Calvert, Pharmacist License #E-06750, the pharmacist-in-charge, acknowledged that he accepted returns of controlled substances from patients of drugs not only dispensed by Sports Medicine Pharmacy, but also dispensed from other pharmacies. Sports Medicine Pharmacy, Pharmacy Permit Number 14908/2.0, did not have any records of acquisition or disposition of these controlled substances.

Count 5:

Violation of Mississippi Pharmacy Practice Regulations, ARTICLE XXIV. SECURITY OF CONTROLLED SUBSTANCES, Paragraph 1:

- 1. In all places where controlled substances are maintained, they shall be maintained in a manner to deter loss by theft or burglary. When a person who has a controlled substances registration with the Board of Pharmacy has a loss of controlled substances, the Board may issue an order to that person to appear before the Board to present a plan to the Board that is designed to prevent further loss of controlled substances, or he/she may be ordered by the Board to implement any other reasonable measure to improve security on controlled substances as deemed necessary by the Board to prevent further loss of controlled substances.**

Specifically, Keisha Fuller, Pharmacy Technician Registration #PT-213332, admitted to taking stock bottles of Alprazolam 1mg XR and Buspirone from Sports Medicine Pharmacy, Pharmacy Permit Number 14908/2.0, and had them at her house. Billy R. Calvert, Pharmacist License #E-06750, the

pharmacist-in-charge, admitted that he knew Fuller had a key to the pharmacy and the code to the pharmacy safe.

Count 6:

Violation of Mississippi Pharmacy Practice Regulations, ARTICLE XXVI, DISPOSAL OF CONTROLLED SUBSTANCES, Paragraph 1, 4:

1. Any registrant of the Board authorized to possess controlled substances in the course of their professional practice or the course of their business may dispose of any expired, excess, or unwanted controlled substances by contacting and utilizing the services of a reverse distributor as defined by the Federal Drug Enforcement Administration. Any such reverse distributor must hold a valid Certificate of Registration Number issued by the Federal Drug Enforcement Administration and the Mississippi Board of Pharmacy. All records of the disposal of controlled substances shall be maintained for a period of two (2) years.
4. Except as provided for in this ARTICLE, no controlled substance may be destroyed or disposed of by a registrant without written permission of the Regional Director of the Federal Drug Enforcement Administration.

Specifically, Billy R. Calvert, Pharmacist License #E-06750, the pharmacist-in-charge, stated that he accepted returns of controlled substances from patients of drugs not only dispensed by Sports Medicine Pharmacy, but also dispensed from other pharmacies. He stated that he would dispose of these controlled substances by either flushing them or taking them to the DEA take back day.

Count 7:

Violation of Mississippi Board of Pharmacy Administrative Rule 2.1 P:

- P. Termination of employees suspected of theft of pharmaceuticals or merchandise without contacting the Board prior to termination;

Specifically, Keisha Fuller, Pharmacy Technician Registration #PT-213332, was terminated for embezzlement in early March 2023 but Billy R. Calvert, Pharmacist License #E-06750, the pharmacist-in-charge, never reported the termination to the Mississippi Board of Pharmacy.

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 permit to operate as a pharmacy by the Board, Permit Number 14908/2.0, and as such was subject to the jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.
- (3) The Respondent does not admit nor contest the charges. This Settlement Agreement does not constitute an admission of guilt or liability on the part of either party and is entered into solely for the purpose of resolving the stated matters in a manner mutually satisfactory to the Respondent and the Board. This Settlement Agreement shall not serve as precedent for resolving any other complaints, grievances, appeals or actions, which have been or may be filed.
- (4) The Respondent agrees to the disciplinary action stated below as imposed by the Board.

FINAL ORDER OF THE BOARD

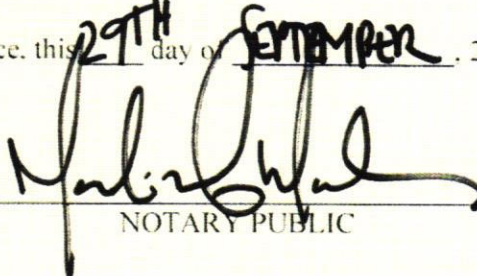
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained on file in the office of the Board.

- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(c), Respondent shall replace Billy R. Calvert, Pharmacist Certificate of Registration Number E-06750, as the pharmacist-in-charge for Sports Medicine Pharmacy, Permit Number 14908/2.0 and shall be restricted from hiring Billy R. Calvert, Pharmacist Certificate of Registration Number E-06750, as the pharmacist-in-charge for Sports Medicine Pharmacy, Permit Number 14908/2.0 in the future without first obtaining Board approval.
- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(d)(i), Respondent shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00) for the first violation.
- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(d)(ii), Respondent shall pay a monetary penalty of Five Thousand Dollars (\$5,000.00) for each of the six (6) subsequent violations for a total of Thirty Thousand Dollars (\$30,000.00).
- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Thousand One Hundred Ninety-One Dollars and Ninety-One Cents (\$1,191.91).
- The total monetary settlement of Thirty-Two Thousand One Hundred Ninety-One Dollars and Ninety-One Cents (\$32,191.91) is due and payable in the office of the Board within thirty (30) days of receipt of this Order.

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

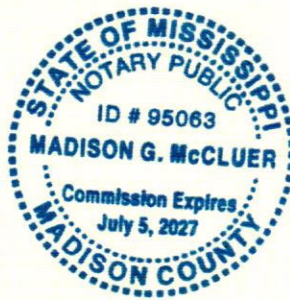

Representative of Sports Medicine Pharmacy
CEO, MS Sports Medicine

SUBSCRIBED AND SWORN TO, in my presence, this 29TH day of SEPTEMBER, 2023.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

July 5, 2027



Came on September 21, 2023, the matter of Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, 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:

MAGNOLIA MEDICAL SUPPLY LLC
1410 14TH STREET, SUITE B
MERIDIAN, MS 39301

MEDICAL EQUIPMENT SUPPLIER PERMIT, NUMBER 18371/11.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, pursuant to Section 73-21-108, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, is alleged to have committed the following violations:

Count 1:

Violation of Mississippi Pharmacy Practice Regulations, Article XXXVIII, MEDICAL EQUIPMENT SUPPLIERS PERMIT, Paragraph (4) which provides:

(4) Order required.

Home medical equipment suppliers shall not provide any home medical equipment, legend device or medical gas to a patient without a valid order from an authorized licensed practitioner. All orders must be readily retrievable and must be produced on request by the Board or an agent of the Board. All home medical equipment, legend devices and medical gases require a new prescription order on a yearly basis.

Specifically, during an inspection of Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, on April 28, 2023, acquisition records and disposition records, including orders, were not readily retrievable.

Count 2:

Violation of Mississippi Pharmacy Practice Regulations, Article XXXVIII, MEDICAL EQUIPMENT SUPPLIERS PERMIT, Paragraph (7)(a) which provides:

(7) Additional Regulations for Other Medical Equipment

Persons that shall sell, rent and/or provide other medical equipment or legend devices, as defined in these regulations, shall also comply with the following:

- (a) Provide proper training of personnel for the safe delivery and use of any medical equipment or legend device;

- (b) Ensure that all manufacturer's recommended assembly and maintenance procedures are followed; and
- (c) Meet the following safety inspection requirements:
 - (i) Demonstrate that each piece of medical equipment or legend device has been checked, is free of defect and operates within the manufacturer's specifications;
 - (ii) Refrain from modifying equipment to the extent that the modification might reasonably cause harm;
 - (iii) Maintain all electrical components so that they do not present fire or shock hazard; and
 - (iv) Ensure that all appropriate warning labels or labeling, including tags, are present on the equipment provided.

Specifically, an inspection of Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, on April 28, 2023, revealed that there were no documents to show the proper training of personnel for the safe delivery and use of any medical equipment or legend device.

Count 3:

Violation of Mississippi Pharmacy Practice Regulations, Article XXXVIII, MEDICAL EQUIPMENT SUPPLIERS PERMIT, Paragraph (7)(c)(i), which provides:

(7) Additional Regulations for Other Medical Equipment

Persons that shall sell, rent and/or provide other medical equipment or legend devices, as defined in these regulations, shall also comply with the following:

- (a) Provide proper training of personnel for the safe delivery and use of any medical equipment or legend device;
- (b) Ensure that all manufacturer's recommended assembly and maintenance procedures are followed; and
- (c) Meet the following safety inspection requirements:
 - (i) Demonstrate that each piece of medical equipment or legend device has been checked, is free of defect and operates within the manufacturer's specifications;
 - (ii) Refrain from modifying equipment to the extent that the modification might reasonably cause harm;
 - (iii) Maintain all electrical components so that they do not present fire or shock hazard; and
 - (iv) Ensure that all appropriate warning labels or labeling, including tags, are present on the equipment provided.

Specifically, an inspection of Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, on April 28, 2023, revealed that there were no safety inspection documents of the medical equipment that demonstrated that each piece of medical equipment or legend device had been checked, is free of defect and operates within the manufacturer's specifications.

Count 4:

Violation of Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 W. which provides:

Failure to furnish the Board, its agents or representatives any information legally requested by the Board.

Specifically, on April 28, 2023, Compliance Agent Brad Hammons requested acquisition and disposition records for Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, for all business done in 2022 and 2023. Magnolia Medical Supply LLC, Medical Equipment Supplier Permit # 18371/11.1, failed to provide any of the records requested.

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 "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to statute.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a Medical Equipment Supplier Permit Number 18371/11.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-108 (7)(b), Mississippi Code of 1972, Annotated.
- (4) The Respondent committed the violations as charged under Counts (1) and (4). The Board makes no finding with respect to Counts (2) and (3).

FINAL ORDER OF THE BOARD

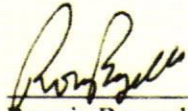
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained on file in the office of the Board.

- Pursuant to Section 73-21-108(7)(a), Mississippi Code of 1972, Annotated, Respondent, shall pay a total monetary penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for the violations of Counts 1 and 4.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Seventy-Five Dollars and Thirty-Four Cents (\$275.34).
- The total monetary penalty and cost of investigation in the amount of Two Thousand Seven Hundred Seventy-Five Dollars and Thirty-Four Cents (\$2,775.34) shall be paid by the Respondent within thirty (30) days of this Order.
- Respondent shall provide the requested records to the Board as a condition of this settlement.

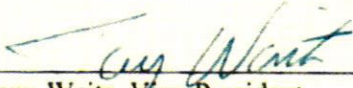
All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 21st day of September 2023.



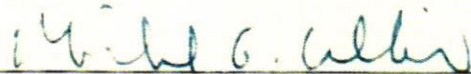
Ronnie Bagwell, President



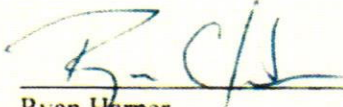
Tony Waits, Vice-President



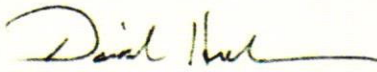
Jillian Foster, Secretary



Michael Gilbow



Ryan Harper



David Hudson



Craig Sartun

On September 21, 2023, came the matter of Tx Promed Pharmacy, an unpermitted pharmacy, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ryan Harper and Craig Sartin served on the Investigative Review Committee and did not participate in this hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

TX PROMED PHARMACY
18446 HWY 105 WEST, SUITE D
MONTGOMERY, TX 77356

PERMIT TO OPERATE AS A PHARMACY JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Tx Promed Pharmacy, an unpermitted pharmacy, pursuant to Section 73-21-97(1)(n), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Tx Promed Pharmacy is alleged to have committed a violation of Mississippi Code Annotated Section 73-21-106(1) which provides in relevant part:

(1) Any pharmacy located outside this state that ships, mails or delivers, in any manner, controlled substances or prescription or legend drugs or devices into this state shall be considered a nonresident pharmacy and shall be permitted by the board. The board shall establish by rule or regulation the criteria that each nonresident pharmacy must meet to qualify for a nonresident permit. After a permit has been issued, it may not be amended, transferred or reassigned. A pharmacist-in-charge of a nonresident pharmacy may not be the pharmacist-in-charge at any other location that has been issued a permit by the board.

Specifically, Tx Promed Pharmacy shipped prescription medications to patients in Mississippi beginning February 2, 2023. At least ninety (90) prescriptions were shipped into Mississippi from February 2, 2023 through May 26, 2023.

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 subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.

- (4) The Respondent committed the violation as charged and has operated in the State of Mississippi without a pharmacy permit at least from February 2, 2023 to May 26, 2023.

FINAL ORDER OF THE BOARD

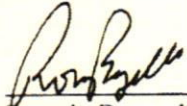
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Respondent shall cease to do business as a pharmacy in the State of Mississippi until it has secured a nonresident pharmacy permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Hundred Fourteen Thousand Dollars (\$114,000.00). This represents a monetary penalty of One Thousand Dollars (\$1,000.00) for each day it did business in the State without the required permit.
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary fee and cost of investigation shall be One Hundred Fourteen Thousand Two Hundred Fifty Dollars (\$114,250.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

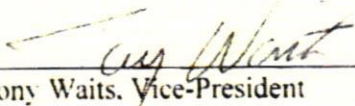
All members participating in the hearing affirmed this Order.

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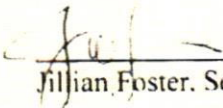
ORDERED AND AGREED TO, this the 21st day of September 2023.



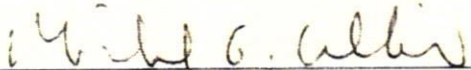
Ronnie Bagwell, President



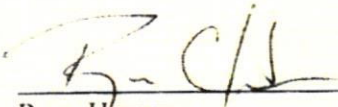
Tony Waits, Vice-President



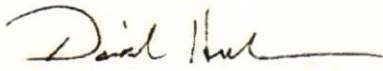
Jillian Foster, Secretary



Michael Gilbow



Ryan Harper



David Hudson



Craig Sartin

Came on September 21, 2023, the matter of Tip Allen Williams, Pharmacist Certificate of Registration Number D-07671, 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:

TIP ALLEN WILLIAMS
103 CHARTRES DRIVE
MADISON, MS 39110

LICENSE TO PRACTICE PHARMACY NUMBER D-07671

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

The Mississippi Board of Pharmacy entered an Order on February 17, 2022, which revoked the license of the Petitioner for addiction to or dependence on alcohol, controlled substances or other habit-forming legend drugs or the unauthorized use, possession or theft of controlled substances or other habit-forming legend drugs. The Board also imposed a penalty in the amount of Two Thousand Dollars (\$2,000.00) and charged the Respondent for the cost of investigation in the amount of Two Hundred and Fifty Dollars (\$250.00). On September 15, 2022, the Petitioner appeared before the Board with a request to reinstate the license of the Petitioner. No action was taken by the Board and the request of the Petitioner was denied. On March 23, 2023, the Petitioner appeared before the Board with a request to reinstate the license of Petitioner. The Board affirmed the request and reinstated the license of the Petitioner with several restrictions and allowed him to pay the Two Thousand Two Hundred and Fifty Dollars (\$2,250.00) penalty and costs issued in the February 17, 2022, Board Order over a twelve (12) month payment period. The Petitioner requests the Board remove the restrictions on his license.

The Board heard testimony concerning the request of the Petitioner.

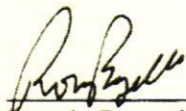
ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, all members of the Board present voted to deny the request by the Petitioner to remove the restrictions on his license. The Petitioner shall not be placed on the agenda on this matter until at least one (1) year from the date of this Order.

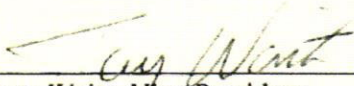
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

All members participating in the hearing affirmed this Order.

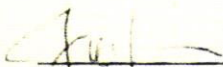
ORDERED AND AGREED TO, this the 21st day of September 2023.



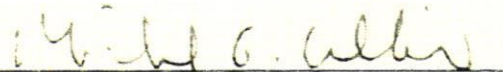
Ronnie Bagwell, President



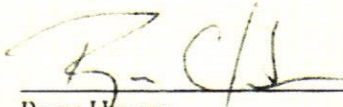
Tony Waits, Vice-President



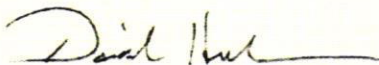
Jillian Foster, Secretary



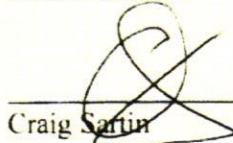
Michael Gilbow



Ryan Harper



David Hudson



Craig Sartin

Came on September 25, 2023, the matter of Markus Coleman, Intern/Extern Registration IE-8599, 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:

MARKUS COLEMAN
7 LAKEWOOD DRIVE
HATTIESBURG, MS 39402

INTERN/EXTERN REGISTRATION NUMBER IE-8599

JURISDICTION

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

PROCEEDINGS

The Petitioner's intern/extern registration expired May 1, 2023. The Petitioner requests that the Board reinstate his intern/extern registration in order for him to work as an intern and obtain the 1600 hours needed to be eligible to take the NAPLEX. He also requested that the Board approve him to take the NAPLEX again. The Petitioner expressed that the additional time will also allow him the time needed to pass the MPJE. The Board heard testimony concerning the Petitioner's request.

ACTION OF THE BOARD

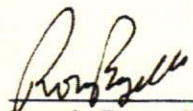
The Board reinstated the Petitioner's intern/extern registration for twelve (12) months from the date of this Order. The Board also approved the Petitioner to take the NAPLEX within twelve (12) months of the date of this Order.

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

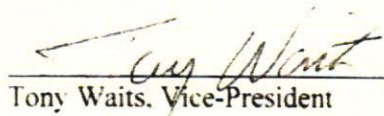
All members participating in the hearing affirmed this Order.

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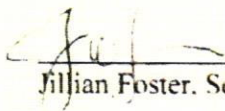
ORDERED AND AGREED TO, this the 21st day of September 2023.



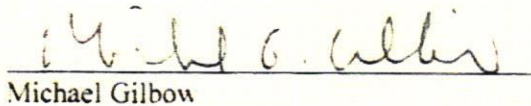
Ronnie Bagwell, President



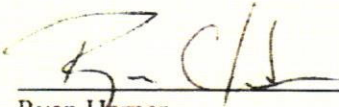
Tony Waits, Vice-President



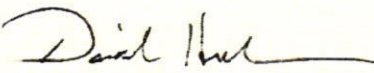
Jillian Foster, Secretary



Michael Gilbow



Ryan Harper



David Hudson



Craig Sartin

Came on September 21, 2023, the matter of James Beard, License to Practice Pharmacy, Certificate of Registration Number E-15066, 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:

JAMES L. BEARD
29 COUNTY ROAD 236
CORINTH, MS 38834

LICENSE TO PRACTICE PHARMACY NUMBER E-15066

JURISDICTION

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

PROCEEDINGS

The Petitioner's pharmacist license was revoked on July 15, 2021. The Petitioner requests that the Board reinstate his pharmacist license. The Board heard testimony concerning the Petitioner's request.

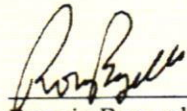
ACTION OF THE BOARD

The Board reinstated the Petitioner's pharmacist license upon satisfying the requirements of Article IV.2. The previous monetary penalty and cost of investigation in the amount Three Hundred Fifty Dollars (\$350.00) shall be paid prior to the reinstatement of Petitioner's pharmacy license. Board members Ryan Harper, Jillian Foster, Tony Waits, Craig Sartin, David Hudson, and Michael Gilbow voted to reinstate the Petitioner's license. Board member Ronnie Bagwell voted against the action.

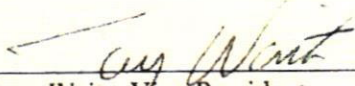
A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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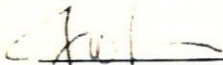
ORDERED AND AGREED TO, this the 21st day of September 2023.



Ronnie Bagwell, President



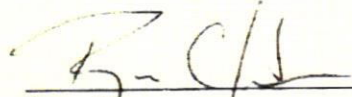
Tony Waits, Vice-President



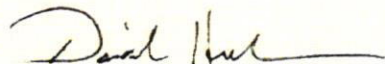
Jillian Foster, Secretary



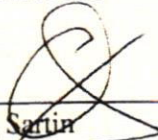
Michael Gilbow



Ryan Harper



David Hudson



Craig Sartor