THE SCRIPT
QUARTERLY NEWSLETTER
MISSISSIPPI BOARD OF PHARMACY

Next Board Meeting

Our next board meeting will be held on May 18, 2023, at the Board of Pharmacy office located at 6360 I-55 North, Suite 400, Jackson, MS. The meeting will begin at 9:00 am.

NADDI Conference

The Mississippi Chapter of NADDI is hosting a Training Conference on April 27, 2023, at the Brandon MS Civic Center. The NADDI networking platform provides the opportunity to bring diverse viewpoints, education, and resources to individuals facing challenges in the fight against the misuse and abuse of pharmaceutical drugs. We invite you to register as an attendee or participate as an exhibitor. Click here to register. **6 hours of continuing education** for MS Board of Pharmacy have been **approved**. These hours will satisfy both live and opioid related continuing education requirements. Please share this information with other members in your organization. If you have any questions, please contact our Associate Director, Todd Dear at tdear@mbp.ms.gov or Patricia Culbertson at pculbertson@mbp.ms.gov.

Scam Alert

The latest iteration of persons misrepresenting the BOP and its staff centers around a system update that requires verifying information including wholesalers that are being used. The calls originate from a number that is either spoofing the MS Board of Pharmacy office number (601-899-8880) or a closely related number. If you receive a call from an unknown MS Board of Pharmacy staff member, please hang up and call your agent or the main office (601-899-8880) prior to giving out any information.

Medical Cannabis

Medical Cannabis will now report to the Prescription Monitoring Program. For more information, click the following link: Medical Cannabis.

Staff Verification

Technician Renewal ended on 3/31/23. Ensure that all of your technician staff has an active registration status. Employees that do not reflect an active registration status are not allowed to work in the dispensing area of a pharmacy. You can verify the licensing or registration status of any employee on the licensing verification search page, https://gateway.mbp.ms.gov/Verification/search.aspx.

ALL THINGS LICENSING

Renewals

Pharmacy Technician registration renewal period closed on March 31, 2023 but the portal is still open. Any renewal received after this date will be assessed a late fee.

The Durable Medical Equipment Suppliers (DME) renewals opened on April 1, 2023. DME Renewal reminder notices are sent to the permit holders and/or submitters via email. Renewals completed after June 30, 2023, will be assessed a late fee. If you do not wish to renew and/or need to close the facility permit, please log into the Gateway and submit a "Close Facility" application request at no charge. You will be required to upload supporting documentation regarding the closure request for staff approval.

Our Licensing Division is readily available to assist with any renewal questions and/or Gateway issues. Do not hesitate to contact us.

Profile Changes

Any changes to your profile may be made by logging into the Gateway and submitting the desired change request at any time. For name changes, the system will allow you to make the request. You will need to upload the required documentation for staff approval. All employment and address changes can also be made via the Gateway. For assistance with the online system, contact our Licensing Division at (601) 899-8880.

Pharmacist Fill Up

We no longer mail wallet cards or stickers. To obtain, a wallet card, you may log into your Gateway profile, download the card, and print if desired. Any request for duplicate wall certificates may be made by logging into your Gateway profile and submitting a duplicate certificate application request. There is a 25.00 processing fee.

GO PAPERLESS

Student Sidebar Chatter

The Student Extern/Intern Controlled Substance Registration expires six months from the prospective graduation date. Register with the Gateway to access your registration. Upon issuance of your Mississippi pharmacy intern/extern student registration, you will need to register with the National Association of Boards of Pharmacy (www.nabp.pharmacy) at no charge to you. You will be assigned an NABP number.

Tech Bite

Effective 1/1/2023, the MS Board of Pharmacy will no longer grant a temporary "pending" status for technicians that have successfully submitted all application components except background check results. Until the registration has been issued, only technicians that are reflecting "active" on the licensing verification portal should be allowed in the dispensing area of a pharmacy.

ALL THINGS LICENSING

Facility Highlight

Any **changes** to your permit (i.e., PIC/DR changes, address changes, business name changes, and/or ownership changes may be made by logging into the Gateway and submitting the desired change application at any time. Supporting documentation uploaded may be required for staff approval. For DR changes, make sure to mail your fingerprint card to the address indicated on the instruction sheet as soon as possible. Failure to do so will result in expiration of your application. For assistance with the online system, contact our Licensing Division at 601-899-8880.

PIC changes must be completed in a timely manner to prevent any interruption in operation. Make sure that there are two emails listed on the record (one for the PIC and one for an admin, in the event that the PIC vacates his/her position). This will ensure all notices regarding the PIC change application process will be received by the facility.

If the PIC has not renewed his/her pharmacist license, the system will NOT allow the renewal of their facility's permit.

MAKE SURE EACH USER HAS HIS/HER OWN PROFILE, USERNAME, AND PASSWORD. PROFILES/PASSWORDS SHOULD NOT BE SHARED. THE LICENSING DIVISION STAFF WILL NOT GIVE ACCESS TO A PROFILE TO ANYONE EXCEPT THE PROFILE OWNER.

PMP Update

Please make sure your pharmacy has updated to the new clearinghouse SFTP server. This is required to be done in order for your pharmacy to report properly. If you are unsure if this update has been made at your pharmacy, please contact the clearinghouse directly using the link provided, https://pmpclearinghouse.zendesk.com/hc/en-us.

If you have changed your employment, email, or any other information regarding your profile you do not need to create another account. Simply send an email with the updated information. You may send these requests via email to mspmpassist@mbp.ms.gov.

As a reminder to pharmacies that are eligible for a waiver of reporting to the MSPMP, paper versions are not accepted. PMP waivers are done electronically. Please notify the MS PMP directly in the event your permit is set to inactive or closed. Also, please notify the MSPMP directly should your pharmacy have a change of DEA number.

Reporting of controlled substances II-V and gabapentin is required every 24 hours. This includes zero reporting. All controlled substances II-V are to be reported with a valid DEA number. Should you need assistance with your reporting account for the MSPMP please contact 1-855-567-4767 and ask to speak to the clearinghouse.

Always call or email with any questions at mspmpassist@mbp.ms.gov or 601-899-0138 or visit our website at www.pmp.mbp.ms.gov.

Compliance Check

Inventory Time!

Every facility permitted by the Mississippi Board of Pharmacy shall take an annual inventory of all controlled substances on hand on May 1 but no later than May 15. A facility may conduct the controlled substance inventory at another date so long as the annual inventory is conducted during the same period each year. This inventory shall be maintained with the other controlled substance records of the facility. Inventory records for schedule II-controlled substances are filed separately from inventory records for schedule III-V controlled substances.

CMS Electronic Prescribing for Controlled Substances (EPCS) Program Guidance Regarding the Role of the Pharmacy/Pharmacist

While Mississippi does not currently mandate electronic prescribing of controlled substances, the federal SUPPORT ACT called for CMS to begin monitoring prescriber compliance with the EPCS Program on January 1, 2023. To be considered compliant, at least 70 percent (after exceptions applied) of a prescriber's controlled substance (Schedule II-V) prescriptions under Medicare Part D must be transmitted electronically. For the 2023 measurement year, the penalty for non-compliant prescribers will be a CMS notification of EPCS Program non-compliance. CMS will propose penalties for future EPCS measurement years through additional rulemaking.

Are there penalties for pharmacies or pharmacists for being non-compliant?

1. There are no compliance requirements for pharmacists or pharmacies in the CMS EPCS Program, as all compliance requirements are limited to prescribers of controlled substances under Medicare Part D.
2. A pharmacist is not required or otherwise obligated to verify that a prescriber has a "waiver" from the CMS EPCS Program prior to dispensing a controlled substance under Medicare Part D.
3. A pharmacist is not required or otherwise obligated to verify that a prescriber or prescription qualifies for an exception from the CMS EPCS Program requirements prior to dispensing a controlled substance under Medicare Part D.
4. The CMS EPCS Program does not limit or impede in any way pharmacists or pharmacies from dispensing covered Part D drugs including controlled substances from valid written, oral or faxed prescriptions that are consistent with current laws and regulations, including state EPCS mandates or Drug Enforcement Agency (DEA) requirements.

This CMS guidance is consistent with SUPPORT ACT requirements and CMS's 2022 and 2023 Physician Fee Schedule Final Rules. For additional EPCS support and resources, visit the EPCS website or access the EPCS Service Center for specific questions.

Spotlight on Pharmacy Benefit Managers

State PBM Legislative Update:

Several bills were introduced in the MS Legislature this session that would have impacted PBM activity.

SB2484: There was considerable attention to this bill's provision that would have forced PBMs to reimburse pharmacies according to NADAC, plus an $11.29 dispensing fee. This reimbursement is reflective of current MS Medicaid reimbursement.

In addition, this Bill would have broadened the regulatory oversight of PBM's by the MS Board of Pharmacy to audit PBM practices and prohibit specific practices:

- **Prohibit Spread Pricing**— a PBM would have been prohibited from charging the plan sponsor more than it pays the pharmacy unless the upcharge was clearly delineated as an agreed upon administrative fee.
- **Prohibit Patient Copay Clawbacks**— a PBM would not be allowed to charge a patient more than what is reimbursed to the pharmacy.
- **Contract Transparency**— Pharmacy Service Administration Organizations (PSAO) would be required to provide a contract to the pharmacy upon request.
- **Rebate Pass Through**— PBMs would have been required to pass on all drug rebates to the plan sponsor.
- **Patient Steering**— PBMs would not be able to require patients use PBM affiliated pharmacies.
- **Retaliation**— The bill provided examples of retaliation and prohibited PBMs from retaliating on parties that file complaints.
- **340B Discrimination**— PBMs would not be able to discriminate contractually against pharmacies that participate in the 340B Program.

    Status: Died on Senate Calendar. The bill was initially referred to Senate Public Health and Welfare Committee and passed Committee but was never brought up for a vote on the Senate floor.

HB1299: This act would require PBMs to make public upon request without redaction, contracts related to PBM services at contract beginning and renewal. It also brought forth all PBM related sections for potential amendment during the legislative process and was amended to remove State Health Plan exemption.

    Status: Died in Senate Public Health and Welfare Committee. Initially referred to House Insurance committee and passed there and was also passed on House floor before being sent to Senate.

Washington State Court of Appeals upholds that state law cannot be superseded by contract
IIn this case, a pharmacy filed a complaint regarding reimbursement below its costs. The PBM maintained that the pharmacy was paid the contractually appropriate and agreed upon rate. MS has a similar statute that does not allow for reimbursement below cost (73-21-156). The Washington Court of Appeals held that a contractually defined reimbursement rate set by a PBM does not override a state law enacted to protect pharmacies. Click here for additional details.

Stay Connected