

Miss. Code Ann. § 73-21-103
MISSISSIPPI CODE of 1972
*** Current through the 2018 Regular Session ***
TITLE 73. PROFESSIONS AND VOCATIONS
CHAPTER 21. PHARMACISTS
MISSISSIPPI PHARMACY PRACTICE ACT

Miss. Code Ann. § 73-21-103

§ 73-21-103. Penalties for violations; requirement of rehabilitation or additional education; reinstatement of licenses or permits; enforcement proceedings [Repealed effective July 1, 2020].

- 1)** Upon the finding of the existence of grounds for action against any permitted facility or discipline of any person holding a license, registration or permit, seeking a license, registration or permit, seeking to renew a license or permit under the provisions of this chapter, or practicing or doing business without a license, registration or permit, the board may impose one or more of the following penalties:
 - a)** Suspension of the offender's license, registration and/or permit for a term to be determined by the board;
 - b)** Revocation of the offender's license, registration and/or permit;
 - c)** Restriction of the offender's license, registration and/or permit to prohibit the offender from performing certain acts or from engaging in the practice of pharmacy in a particular manner for a term to be determined by the board;
 - d)** Imposition of a monetary penalty as follows:
 - i)** For the first violation, a monetary penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each violation;
 - ii)** For the second violation and subsequent violations, a monetary penalty of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

Money collected by the board under paragraph (d)(i), (ii) and (iv) of this section shall be deposited to the credit of the State General Fund of the State Treasury;
 - iii)** The board may assess a monetary penalty for those reasonable costs that are expended by the board in the investigation and conduct of a proceeding for licensure revocation, suspension or restriction, including, but not limited to, the cost of process service, court reporters, expert witnesses and investigators.

Money collected by the board under paragraph (d)(iii) of this section, shall be deposited to the credit of the Special Fund of the Pharmacy Board;
 - iv)** The board may impose a monetary penalty for those facilities/businesses registered with the Pharmacy Board as wholesalers/manufacturers of not less than Three Hundred Dollars (\$300.00) per violation and not more than Fifty Thousand Dollars (\$50,000.00) per violation;

- v)** The board may impose a monetary penalty for any dispenser, pharmacist or practitioner licensed to dispense controlled substance and specified noncontrolled substance drugs, who knowingly fails to submit drug monitoring information or knowingly submits incorrect dispensing information of not more than Ten Thousand Dollars (\$10,000.00) per violation. Any penalty collected under this paragraph (v) shall be deposited into the special fund of the State Pharmacy Board to support the operations of the Prescription Monitoring Program (PMP);
 - vi)** The board may impose a monetary penalty for any person who obtains prescription information and who knowingly discloses this information for misuse or purposely alters the reporting information, or uses the PMP in any manner other than for which it was intended, of not more than Fifty Thousand Dollars (\$50,000.00) per violation. Any penalty collected under this paragraph (vi) shall be deposited into the special fund of the State Board of Pharmacy and used to support the operations of the Prescription Monitoring Program;
 - vii)** The board may impose a monetary penalty of not more than One Thousand Dollars (\$1,000.00) per day upon any person or business that practices or does business without the license, registration or permit required by this chapter.
- e)** Refusal to renew offender's license, registration and/or permit;
 - f)** Placement of the offender on probation and supervision by the board for a period to be determined by the board;
 - g)** Public or private reprimand.

Whenever the board imposes any penalty under this subsection, the board may require rehabilitation and/or additional education as the board may deem proper under the circumstances, in addition to the penalty imposed.

- 2)** Any person whose license, registration and/or permit has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right to petition the board at reasonable intervals for reinstatement of such license, registration and/or permit. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The procedure for the reinstatement of a license, registration or permit that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.
- 3)** Nothing herein shall be construed as barring criminal prosecutions for violation of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.
- 4)** A monetary penalty assessed and levied under this section shall be paid to the board by the licensee, registrant or permit holder upon the expiration of the period allowed for appeal of such penalties under Section 73-21-101, or may be paid sooner if the licensee, registrant or permit holder elects.

- 5) When payment of a monetary penalty assessed and levied by the board against a licensee, registrant or permit holder in accordance with this section is not paid by the licensee, registrant or permit holder when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, registrant or permit holder, or if the licensee, registrant or permit holder is a nonresident of the State of Mississippi, in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When such proceedings are instituted, the board shall certify the record of its proceedings, together with all documents and evidence, to the chancery court and the matter shall thereupon be heard in due course by the court, which shall review the record and make its determination thereon. The hearing on the matter may, in the discretion of the chancellor, be tried in vacation.
- 6) The board shall develop and implement a uniform penalty policy which shall set the minimum and maximum penalty for any given violation of board regulations and laws governing the practice of pharmacy. The board shall adhere to its uniform penalty policy except in such cases where the board specifically finds, by majority vote, that a penalty in excess of, or less than, the uniform penalty is appropriate. Such vote shall be reflected in the minutes of the board and shall not be imposed unless such appears as having been adopted by the board.

HISTORY: Laws, 1983, ch. 414, § 17; Laws, 1991, ch. 527, § 17; Laws, 1992, ch. 531 § 7; Laws, 1993, ch. 416, § 18; Laws, 1994, ch. 513, § 7; Laws, 1996, ch. 507, § 50; reenacted without change, Laws, 1998, ch. 511, § 18; reenacted without change, Laws, 2002, ch. 501, § 18; Laws, 2005, ch. 355, § 1; reenacted without change, Laws, 2006, ch. 533, § 18; Laws, 2008, ch. 516, § 3; reenacted and amended, Laws, 2011, ch. 546, § 16; reenacted and amended, Laws, 2016, ch. 448, § 18, eff from and after July 1, 2016.