

## **ARTICLE XXXIII HOME HEALTH/HOSPICE PERMITS**

1. Every home health agency, hospice organization or business/location in this state subject to regulation by the Mississippi Board of Pharmacy where certain prescription drugs as approved by the Board are bought, maintained, administered or provided directly to consumers, without the services of a pharmacist being required, shall obtain a permit as a home health/hospice from the Mississippi Board of Pharmacy.
2. To obtain a permit or renew a permit for a home health/hospice, the applicant shall:
  - A. Submit a written application on a form prescribed by the Board;
  - B. Submit the required fees as follows:  
Fifty dollars (\$50.00) for the registration period January 1, 2012, through December 31, 2013, and each biennial registration period thereafter.

Any home health/hospice permit renewal application postmarked after December 31 of the renewal period shall be returned and a fifty dollar (\$50.00) late renewal fee shall be assessed prior to renewal.

3. Every business issued a home health/hospice permit by the Board shall renew this permit biennially. Newly issued permits which do not coincide with the registration period shall be valid for the following periods of time: If the permit is issued in the first half of the registration period, it must be renewed at the end of the registration period. If the permit is issued in the second half of the registration period, it must be renewed at the end of the next registration period.
4. The person who signs the application for a home health/hospice permit or the renewal of a home health/hospice permit shall be the permit holder for that facility and shall be responsible for all activities in the permitted facility which are subject to regulation by the Board. Once issued, a permit cannot be amended, transferred or assigned to another person.
5. If the employment of a permit holder is terminated or if for any other reason he/she wishes to be relieved of the responsibilities of the permit holder, he/she must return the home health/hospice permit to the Mississippi Board of Pharmacy with written notice that he/she is no longer the permit holder for that facility. When a permit is thus returned, application for a new permit for that facility must be made to the Mississippi Board of Pharmacy within ten (10) days.
6. If a permitted facility is permanently closed or has a change of ownership, the permit holder for that facility shall give notice to the Board of the effective date of closure or change in ownership at least ten (10) days prior to the closure or change of ownership.
7. If a permitted facility has a change in name or location, a new permit must be obtained. Application for this new permit must be made to the Board at least ten (10) days prior to the change.

8. All home health/hospices permitted by the Mississippi Board of Pharmacy shall comply with the following:
  - A. Prescription drugs that are bought or maintained, in a home health/hospice or provided to a consumer from a home health/hospice shall be limited to those items authorized by the Board. A list of the authorized prescription drugs shall be published by the Board at least annually.  
Items may be added to or deleted from the list by the Board at any regularly called meeting. At any time, a change in the list of authorized drugs is made, the Board shall provide the changed list to all persons registered with a home health/hospice permit.
  - B. A home health/hospice shall not buy, maintain or provide to a consumer any prescription drug not authorized by the Board of Pharmacy unless such prescription drug was obtained pursuant to the valid prescription or order of a practitioner.
  - C. Delivery of any prescription drug to a consumer shall be pursuant to a valid order of a practitioner who is authorized to prescribe the drug. These orders shall be maintained for a period of six (6) years.
  - D. A facility permitted with a home health/hospice permit shall not sell or distribute a prescription drug to any person who is not permitted or otherwise authorized to purchase prescription drugs, except that a facility permitted by the Board of Pharmacy with a home health/hospice permit may supply these items to other facilities under common control or ownership.
  - E. Complete and accurate records of acquisition and disposition of all prescription drugs which are bought or maintained by a home health/hospice shall be maintained for a period of six (6) years. These records shall be readily retrievable and available for inspection by agents of the Mississippi Board of Pharmacy.
  - F. Any prescription drug maintained in a home health/hospice or provided to a consumer from a home health/hospice shall be labeled so as to be in compliance with the labeling requirements of the Federal Food and Drug Administration and any additional labeling necessary for the safe and effective use of the product by the consumer.
  - G. Each home health/hospice where prescription drugs are bought or maintained shall provide storage areas that ensure proper lighting, ventilation, temperature, sanitation, humidity, space and equipment. All prescription drugs shall be stored at appropriate temperatures per label requirements or official United States Pharmacopeia (USP) compendium requirements to ensure that the identity, strength, quality, and purity of the products are not affected. If no temperature requirements are listed, prescription drugs may be stored at room temperature as defined in the USP. A separate storage area shall be provided for prescription drugs that are deteriorated, outdated, misbranded, or otherwise adulterated.
  - H. Each home health/hospice shall employ adequate personnel with the education and experience necessary to safely and lawfully engage in the preparation, administration, or delivery of prescription drugs

- I. Home health/hospices shall be maintained in an orderly and sanitary fashion.
  - J. A permit shall not be issued for a home health/hospice located in a residence.
  - K. The Board of Pharmacy may refuse to issue or renew, or may suspend, revoke or restrict the permit of any home health/hospice under the applicable provisions of ARTICLE IX of these regulations.
9. For purposes of these regulations the following definitions shall apply:
- A. "Home health/hospice" shall mean a business, which does not require the services of a pharmacist, where certain prescription drugs are bought, maintained or provided to consumers.
  - B. "Home Health Agency" shall mean a public or privately owned agency or organization or a subdivision of such agency or organization, properly authorized to conduct business in Mississippi, which is primarily engaged in providing to individuals, at the written direction of a licensed physician, in the individual's place of resident, skilled nursing services provided by, or under the supervision of, a registered nurse licensed to practice in Mississippi.
  - C. "Hospice" shall mean an autonomous, centrally administered, medically directed, nurse coordinated program providing palliative and supportive care to meet the special needs arising out of the physical, emotional, spiritual, social and economic stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of inability to pay.
  - D. "Prescription Drug" or "Legend Drug" shall mean a drug which is required under federal law to be labeled with either of the following statements prior to being dispensed or delivered:
    - (1) "Caution: Federal law prohibits dispensing without prescription," or
    - (2) "Rx Only", or
    - (3) "Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.