

ARTICLE IX ACTION AGAINST PERMITS

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:
 - A. Any act by any person in the conduct of the activities of the facility which is a violation of any of the provisions of the Mississippi Pharmacy Practice Act or the Mississippi Uniform Controlled Substances Law. Further, that any act by any person which subverts the authority of the pharmacist-in-charge by impeding the management of the prescription department or the practice of pharmacy in the compliance with federal and state drug or pharmacy laws and regulations shall be deemed a violation of this section. Any such circumvention may result in charges being filed against the pharmacy permit;
 - 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;
 - C. Fraud or intentional misrepresentation in securing the issuance or renewal of a permit;
 - D. Failure to comply with any lawful order of the Board;
 - E. Engaging in or aiding and abetting an individual to engage in the practice of pharmacy without a license;
 - F. Unprofessional conduct by any person in any activity relating to the operation of a pharmacy. Unprofessional conduct includes, but is not limited to:
 - (1) Condoning or assisting in the dispensing, promotion, or distribution of drugs which do not meet the standards required by law;
 - (2) Committing any fraudulent act including, but not limited to:
 - (a) Destruction or alteration of any records such as purchase invoices, prescriptions, patient profiles, third-party vouchers, and receipts required to be kept;
 - (b) The placement of any advertisement which is false or misleading;
 - (c) Filing a claim or assisting in the filing of a claim for reimbursement for drugs or professional services which were not provided.
 - (3) Dispensing, selling, bartering, receiving, or maintaining drugs which the pharmacist knows, or should know, have been stolen or diverted from the purpose for which they were distributed by a legitimate source;
 - (4) Selling or bartering a prescription drug sample;
 - (5) Receiving, dispensing, or maintaining a prescription drug sample unless the pharmacy is owned by a charitable organization, and is not operated for profit and has prior approval in writing by the Board. Institutional pharmacies may receive, dispense and maintain prescription drug samples that are provided by a practitioner and intended solely for administration to his/her patient confined to the institution provided no charges are made to the patient by the institution for the sample;
 - (6) No pharmacist shall have possession of a prescription drug sample unless such sample is for treatment of a diagnosed personal medical condition;
 - (7) Willfully and knowingly failing to maintain complete and accurate records of all prescription drugs received, disposed of, or dispensed at a permitted facility;

- (8) Divulging or revealing confidential patient information to any person other than as authorized by Board regulations.
- G. Termination of employees suspected of theft of pharmaceuticals or merchandise without contacting the Board prior to termination;
- H. Failure to report directly to the Board, losses or suspected losses of controlled substances or prescription drugs;
- I. Jeopardizing, compromising, interfering, or failing to cooperate with any lawful investigation conducted by the Board or any state or federal regulatory or law enforcement agency;
- J. Destruction, removal, or tampering with any prescription drug, controlled substance, or medical device placed under seal, embargoed, or quarantined by the Board or any representative of the Board;
- K. Knowing or suspecting that a Pharmacist or Pharmacy Intern is incapable of engaging in the Practice of Pharmacy or that a Pharmacy Technician is incapable of assisting in the Practice of Pharmacy, with reasonable skill, competence, and safety to the public, is diverting or abusing controlled substances or prescription drugs and failing to report any relevant information to the Board of Pharmacy;
- L. Failure to furnish to the Board, its investigators, or representatives any information legally requested by the Board within the required time frame;
- M. Failing to pay costs assessed in a disciplinary hearing as directed by a lawful order of the Board;
- N. Knowingly failing to submit Prescription Monitoring Information to the Prescription Monitoring Program within the time interval prescribed;
- O. The unlawful disclosure of information from the Prescription Monitoring Program or using information obtained from the Prescription Monitoring Program for unlawful or unethical purposes;
- P. Retaliation against pharmacy employees for providing information to the Board;
- Q. Hindering, interfering with, or restricting the reporting of suspected unlawful activity to the appropriate authorities;
- R. Failure by any representative of a permitted facility to acknowledge completion of an inspection by placement of a signature on the inspection form.