

## ARTICLE V ACTION AGAINST PHARMACIST LICENSE

1. The Board of Pharmacy may refuse to issue or renew, or may suspend, summarily suspend, place on probation, revoke, reprimand, or restrict the license of any pharmacist and/or impose a monetary penalty upon one or more of the following grounds:
  - A. Violation of the rules and regulations of the Board of Pharmacy;
  - B. Violation of any of the provisions of the Mississippi Pharmacy Practice Act or the Mississippi Uniform Controlled Substances Law;
  - C. Violation of pharmacy or drug laws of any other state or the federal government or rules or regulations pertaining thereto;
  - D. Fraud or intentional misrepresentation by a licensee in securing the issuance or renewal of a license or failing to report to the Board any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court that would constitute grounds for action;
  - E. Aiding and abetting an individual to engage in the practice of pharmacy without a license;
  - F. 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;
  - G. Unprofessional conduct. Unprofessional conduct shall include, but is not limited to:
    - (1) Condoning or assisting in the dispensing, promotion, or distribution of drugs:
      - (a) Which do not meet the standards required by law;
      - (b) Which the pharmacist knows, or should know, are not obtained for legitimate medical need.
    - (2) Committing any fraudulent act including, but not limited to:
      - (a) Destruction or alteration of any records such as prescriptions, profiles, purchase invoices, 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 or which were not authorized to be 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) Practicing in a location which is not properly permitted or registered by the Mississippi Board of Pharmacy;
    - (5) Selling or bartering a prescription drug sample;
    - (6) 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 patients confined to the institution provided no charge is made to the patient by the institution for the sample;
    - (7) No pharmacist shall have possession of a prescription drug sample unless such sample is for treatment of a diagnosed personal medical condition;

- (8) Denying a patient freedom of choice in selecting who will fill their prescription needs;
  - (9) Willfully and knowingly failing to maintain complete and accurate records of all prescription drugs received, disposed of, or dispensed at a permitted facility.
  - (10) Failure to report fraudulent prescription activity to the appropriate authorities.
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- H. Physical or mental incapacity that prevents a pharmacist from practicing pharmacy with reasonable skill and safety to the public.
  - I. Failure to comply with any lawful order of the Board.
  - J. Being found guilty by the licensing agency in another state or violating the statutes, rules, or regulations of that jurisdiction.
  - K. Divulging or revealing patient confidential or protected health information to any person other than as authorized by Board regulations.
  - L. Termination of employees suspected of theft of pharmaceuticals or merchandise without contacting the Board prior to termination.
  - M. Failure to report directly to the Board, losses or suspected losses of controlled substances or prescription drugs.
  - N. Theft from a permitted facility.
  - O. Theft or embezzlement of prescription drugs, controlled substances, or medical devices from a permitted facility.
  - P. 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.
  - Q. 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.
  - R. 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 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.
  - S. Failure to furnish to the Board, its investigators, or representatives any information legally requested by the Board.
  - T. Failing to pay costs assessed in a disciplinary hearing.
  - U. Failing to submit prescription monitoring information to the Prescription Monitoring Program within the time interval prescribed.
  - V. The unlawful disclosure of information from the Prescription Monitoring Program or using information obtained from the Prescription Monitoring Program for unlawful or unethical purposes.
  - W. Failure to produce continuing education credits within required time period set forth in these regulations.
  - X. The Board may issue a cease and desist order to prevent a person from engaging in the practice of pharmacy which endangers the public.