

TITLE 30: PROFESSIONS AND OCCUPATIONS
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

ARTICLE VIII RESPONSIBILITY OF PHARMACIST/PHARMACIST CARE

1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:
 - A. In a pharmacy, it shall be the responsibility of the pharmacist on duty at the facility to insure that only a pharmacist provides professional consultation with the patients and/or other licensed health care professionals, and that only a pharmacist accepts telephoned or orally prescribed medication orders or prescriptions; or gives information in any manner relative to prescriptions or prescription drugs. The provisions of this paragraph shall not apply to an extern or intern working under the supervision of a pharmacist.
 - B. In the dispensing of drugs from a pharmacy, it shall be the responsibility of the supervising pharmacist to prevent the pharmacy technician from performing those functions relative to dispensing which are functions based on a judgment for which the pharmacy technician has not been prepared by education or authorized by law or regulation.
 - C. In the dispensing of medications for ambulatory (or outpatients):
 - (1) The pharmacist shall be responsible for all activities of the pharmacy technician in the preparation of the drug for delivery to the patient;
 - (2) The pharmacist shall be present and personally supervising the activities of the pharmacy technician at all times;
 - (3) When a data processor or computerized order entry system is used, pharmacy technicians may enter information into the database and prepare labels, but it shall be the responsibility of the pharmacist to verify the accuracy of the information entered and the prescription information produced;
 - (4) When refilling a prescription, it shall be the responsibility of the pharmacist to make the determination whether or not to refill the prescription;
 - (5) A pharmacist shall not actively supervise more than three pharmacy technicians at one time. Externs/Interns are not included in this quota calculation;
 - (6) Pharmacy Technicians in the dispensing area shall be readily identifiable.
 - D. In all instances where the services of pharmacy technicians are utilized in the preparation of a drug for delivery to a patient, a pharmacist shall be present and personally supervise the pharmacy technician and shall be responsible for the correct preparation and delivery of the drug to the patient. All drugs dispensed utilizing the services of a pharmacy technician shall be properly labeled and identify the responsible supervising pharmacist.
 - E. In the event of a loss or suspected loss of a controlled substance, it is the responsibility of the discovering pharmacist to report the loss or suspected loss directly to the Board at the time of discovery.

F. In the interest of the public health the pharmacist shall, where appropriate, counsel patients and review their medication profiles to improve patient understanding and compliance.

2. Patient Records:

A. A system for documenting medications, prescribed and dispensed, shall be maintained by all pharmacies licensed to dispense medications. The patient record system shall allow the immediate retrieval of information necessary for the dispensing pharmacist to identify previously dispensed drugs at the time a prescription drug order is presented for dispensing. The pharmacist or the pharmacist's agent shall make a reasonable effort to obtain, record, and maintain the following information:

(1) Full name of the patient for whom the drug is intended;

(2) Address and telephone number of the patient;

(3) Patient's age or date of birth;

(4) Patient's gender;

(5) A record of all Prescription Drug Orders obtained by the patient at the pharmacy maintaining the patient record during the preceding 2 years displaying the name of the drug or device, prescription number, name and strength of the drug, the quantity and date received, and the name of the prescriber;

(6) Pharmacist's comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug; and

B. The pharmacist or pharmacist's agent shall make a reasonable effort to obtain from the patient or the patient's agent and shall record any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease states of the patient and the identity of any other drugs, including over-the-counter drugs or devices, currently being used by the patient which may relate to Prospective Drug Use Review (DUR).

3. Prospective Drug Use Review:

Before a prescription is dispensed, delivered, or distributed, a pharmacist shall review the patient record and each Prescription Drug Order presented for dispensing for purposes of promoting therapeutic appropriateness by screening:

A. Over-utilization or under-utilization;

B. Therapeutic duplication;

C. Drug-disease contraindications;

D. Drug-drug interactions;

E. Incorrect drug dosage or duration of drug treatment;

F. Drug-allergy interactions; and,

G. Clinical abuse/misuse.

Upon recognizing any of the above, the pharmacist shall take appropriate steps to avoid or resolve the problem which shall, if necessary, include consultation with the prescriber.

4. Patient Counseling:

- A. Upon receipt of an outpatient prescription drug order and following a review of the patient's record, it is the pharmacist or the pharmacist's agent's responsibility to make the offer to discuss matters which are deemed significant in the pharmacist's professional judgment. The pharmacist must provide the patient counseling. If patient or caregiver is not available, the pharmacist shall make known the fact that patient counseling is available and how he/she may be reached. Such discussion may include the following:
- (1) Name and description of the drug;
 - (2) Dosage form, dose, route of administration, and duration of therapy;
 - (3) Intended use of the drug and expected action;
 - (4) Special directions and precautions for preparation, administration, and use by the patient;
 - (5) Common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;
 - (6) Techniques for self-monitoring drug therapy;
 - (7) Proper storage;
 - (8) Prescription refill information;
 - (9) Action to be taken in the event of a missed dose; and
 - (10) Pharmacist comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug.
- B. Alternative forms of patient information may be used to supplement verbal patient counseling when appropriate, such as written information, leaflets, pictogram labels, video programs, auxiliary labels on the prescription vials, etc.
- C. Patient counseling, as described above and defined in the Act, shall not be required for inpatients of a hospital or institution where other licensed health care professionals are authorized to administer the drug(s).
- D. A pharmacist that dispenses prescriptions that are to be delivered to the patient or the patient's caregiver by U.S. Mail, UPS, Federal Express, or any other carrier or by any employee or agent of the pharmacy shall comply with the following:
- (1) Provide printed information with the delivery which supplies at a minimum the name, address and telephone number of the dispensing pharmacist and all information as outlined in paragraph 4., (A), of this ARTICLE.
- E. A pharmacist shall not be required to counsel a patient or caregiver when the patient or caregiver refuses such consultation.
- F. A pharmacist may refuse to fill a prescription for a variety of reasons outlined within these regulations. Additionally, a pharmacist may decline to fill or refill a prescription or provide a service when the costs of providing those products or services exceeds the reimbursement obtained from a third-party payer. If a pharmacist declines to fill a prescription or provide a service because the costs associated with supplying the product or service exceeds the reimbursement for the product or service, he/she shall provide the patient with a list of pharmacies in the area that may provide the product or service.

5. Confidentiality:

Patient information obtained by the pharmacist or his agent is for the purpose of patient record maintenance, prospective drug review, retrospective drug use review and patient counseling shall be considered confidential information (see Definition Section).

Personally identifiable confidential patient information in the patient medication record may be released to the patient, the prescriber, other licensed practitioners then caring for the patient, another licensed pharmacist caring for the patient, the Board or its representatives or any person duly authorized by law to receive such information. This personally identifiable confidential information in the patient medication record may be released to others only on written release by the patient.

The pharmacist-in-charge shall be responsible for written policies and procedures for maintaining the integrity and confidentiality of prescription and patient health care information. All employees of the pharmacy with access to any such information shall be required to read and attest that they will comply with the established policies and procedures.

All pharmacies, pharmacists, pharmacy technicians, and other pharmacy employees shall attest that they will comply with the provisions of the Health Insurance Portability and Protection Act (HIPPA).