MISSISSIPPI BOARD OF PHARMACY
MINUTES
January 20-21, 2021

The Mississippi Board of Pharmacy (Board) met at 12:00 noon. on Wednesday, January 20, 2021 in the Board Meeting Room of the UBS Building, 6360 I-55 North, Suite 400, Jackson, Mississippi. The following members were present: Jillian Foster - President, John T. Barrett - Secretary, James L. Calvert - Vice-President, Ryan Harper, Ronnie Bagwell and Tony Waits. Board member Guy Phillips was absent and excused.

The Board held discussions on various topics including regulations, policies, operations of the Board and evaluation of staff. The meeting adjourned at 4:30 p.m. and re-convened at 9:00 a.m. on Thursday, January 21, 2021 at the Hilton Hotel conference room, 1001 East County Line Road, Jackson, MS 39211. The meeting was held at the Hilton Hotel to accommodate the spacing needed due to COVID restrictions. All members of the Board were present for the session held on Thursday, January 21, 2021 except Guy Phillips, who was excused.

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CONSENT AGENDA

The following items were reviewed by Board members and approved without objection.

- The Agenda for this meeting and the Website Declaration of this meeting shall be placed in the minutes. See attached.

- Minutes for the November 19, 2020 of the Mississippi Board of Pharmacy.

- Requests for approval of the following pharmacy continuing education programs:

  - PROGRAM NUMBER: 012-018-020-001, **"Brain Games: A Test of your CNS"**, as requested by Brett Lambert for 1 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER: 012-023-020-001, **"COVID Hypercoagulability: Is there utility in anticoagulation?"**, as requested by Spencer Roper for 1 clock hour of LIVE pharmacist continuing education credit.

- Approval of Issuance of Pharmacists Licenses

- Consultant Waiver Requests:
  - **William Day**
  - **Elizabeth Cook**
  - **Michael Winn**
  - **Latha Boyd**

- **Shacory Morris**
- **Jathaniel Easterling**
- **Andrea Cook**
- **Sabrina Rodriguez**
- **Areaine Marie Batiste-Johnson**

CONCLUSION OF CONSENT AGENDA

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EXECUTIVE DIRECTOR REPORT

Susan McCoy, Executive Director, reported to the Board concerning day to day activities of the agency.

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REGULATION WORKING GROUP

The following regulation amendments were presented to the Board for consideration:

- Article II Pharmacy Board Examination (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Article III Pharmacy Extern/Intern Registration and Practical Experience Requirement (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Article XXXIV Pharmacy Extern/Intern Registration (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Article XXXI Compounding Guidelines (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Article XXXVI Pharmaceutical Health Care Initiative and/or Modification of Drug Therapy Under Protocol (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Administrative Rule 3.6 Hearing Procedures (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.

- Administrative Rule 3.9 Settlement Negotiations and Agreed Orders (see attached)
  Without objection, the Board approved its final adoption of the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.

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GENERAL BUSINESS

The Board discussed the acceptance of a Federal Drug Administration (FDA) Memorandum of Understanding (MOU) and by unanimous vote of all Board members present agreed to sign and abide by the MOU.

The Board voted unanimously to no longer require national certification for a pharmacy technician to renew a registration and instructed the Board staff to present the matter to the regulation work group to make all necessary changes in the regulations to facilitate this change.

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RESPONDENTS

OKC Allergy Supplies, Inc., Drug Facility Permit Number 16752/16.1a
After an administrative hearing on this matter, the Board issued the attached Order.

Watson Rx Solutions, Inc., Permit to Operate a Pharmacy Number 14447/7.1
After an administrative hearing on this matter, the Board issued the attached Order.

VRC Medical Services, Permit to Operate as a Non-Resident Wholesale Drug Distributor, Permit Number 16074/16.5a
After an administrative hearing on this matter, the Board issued the attached Order.

Nortru, LLC, a reverse distributor
After an administrative hearing on this matter, the Board issued the attached Order.

McGowen Enterprises, d/b/a Acute Care Pharmaceuticals, a wholesale distributor
After an administrative hearing on this matter, the Board issued the attached Order.

Foothills Professional Pharmacy, Permit to Operate a Pharmacy Number 18086/7.1
After an administrative hearing on this matter, the Board issued the attached Order.

Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894
This matter was rescheduled to March 25, 2021

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PETITIONERS

Wallace Rushing, Pharmacist Certificate of Registration Number E-06511
After an administrative hearing on this matter, the Board issued the attached Order.

Shauronda M. Wright, Pharmacy Technician Applicant, Registration Number PT-222841
After an administrative hearing on this matter, the Board issued the attached Order.

Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433
After an administrative hearing on this matter, the Board tabled the issue until the March 25, 2021 Board meeting. See the attached Order.

Douglas Richard, Intern/Extern Applicant Certificate of Registration Number IE-8992
After an administrative hearing on this matter, the Board took no action. See the attached Order.

Robin Bauer, Pharmacist Certificate of Registration Number E-06171
After an administrative hearing on this matter, the Board took no action. See the attached Order.

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The Board adjourned at 3:11 p.m.

These January 20-21, 2021, MINUTES of the Board are hereby approved this the 25th day of March 2021.

Jillian Foster, President

James L. Calvert, Vice-President

J. Todd Barrett, Secretary

Tony Waits

Ryan Harper

Guy Phillips

Ronnie Bagwell

Mississippi Board of Pharmacy

January 21, 2021

AGENDA

I. CALL TO ORDER/ESTABLISH A QUORUM

- **PRAYER AND PLEDGE**
- **WELCOME AND SPECIAL INTRODUCTIONS**

II. CONSENT AGENDA & WEBSITE DECLARATION

- **APPROVE AND SIGN MINUTES**
- **CONTINUING EDUCATION REQUEST**
- **APPROVE ISSUANCE OF PHARMACIST LICENSES**
- **Consultant Waiver Requests**
  - **William Day**
  - **Elizabeth Cook**
  - **Michael Winn**
  - **Latha Boyd**
  - **Shacory Morris**
  - **Jathaniel Easterling**
  - **Andrea Cook**
  - **Sabrina Rodriguez**
  - **Areaine Marie Batiste-Johnson**

III. EXECUTIVE DIRECTOR REPORT

IV. REGULATION WORKING GROUP

- **Regulation Update**
- **Article II** **Pharmacy Board Examination (Repealed – moved to Article I)**
- **Article III** **Pharmacy Extern/Intern Registration and Practical Experience Requirements**

- **Article XXXIV** **Pharmacy Extern/Intern Registration (Repealed – moved to Article III)**
- **Article XXXI** **Compounding Guidelines**
- **Article XXXVI** **Pharmaceutical Health Care Initiative and/or Modification of Drug Therapy Under Protocol**
- **Administrative Rule 3.6** **Hearing Procedures**
- **Administrative Rule 3.9** **Settlement Negotiations and Agreed Orders**

V. GENERAL BUSINESS

- **FDA MOU Discussion**

VI. RESPONDENTS

• **OKC Allergy Supplies**	**Settlement**
• **Watson RX Solutions**	**Respondent**
• **VRC Medical Services**	**Respondent**
• **Nortru**	**Respondent**
• **Acute Care Pharmaceuticals**	**Respondent**
• **Andrea W. Harris**	**Respondent**
• **Foothills Professional Pharmacy**	**Respondent**

VII. PETITIONERS

• **Wally Rushing**	**Petitioner**
• **Shauronda Wright**	**Petitioner**
• **Brett Balderson**	**Petitioner**
• **Douglas Richard**	**Petitioner**
• **Destiny Davis**	**Petitioner**
• **Robin Bauer**	**Petitioner**

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MISSISSIPPI BOARD OF PHARMACY (/)

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Board Meetings

The meeting of The Mississippi Board of Pharmacy will be held in the Board Room of the Mississippi Board of Pharmacy, 6360 I-55 North, Suite 400, Jackson, Mississippi.

Board Meetings for the first half of 2021 will be held on the following dates at 9:00 a.m.:

- January 21 (Located at the Hilton)
- March 25
- May 20

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

ARTICLE II PHARMACY BOARD EXAMINATION

REPEALED

ARTICLE II PHARMACY BOARD EXAMINATION

~~The examination shall consist of the North American Pharmacist Licensure Examination (NAPLEX) and the Multi-State Pharmacy Jurisprudence Examination (MPJE) or a test on Mississippi Pharmacy Law and Pharmacy Board Regulations administered by the Board.~~

~~To be eligible to take the NAPLEX examination, a person shall be a graduate of a school of pharmacy which is accredited by the American Council on Pharmaceutical Education or which has been approved by the Board.~~

~~A person desiring to take the examination for licensure as a pharmacist must make application for the examination on the form prescribed by the Board. The required fee for the examination must accompany the application.~~

~~To successfully complete the examination, the candidate must make a score of at least seventy five (75) on the NAPLEX part of the examination, a score of at least seventy five (75) on the MPJE part of the examination, or a score of at least seventy five (75) on the test of Mississippi Pharmacy Law and Pharmacy Board Regulations.~~

~~A person who takes the examination and fails the examination may repeat the examination; however, a person may not take the examination more than four (4) times without permission from the Board. A person who is not eligible to take the Mississippi Board of Pharmacy examination may not practice as an intern. A person who takes the examination and successfully completes the examination must become licensed within two (2) years of the examination date or the results of the examination become invalid.~~

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

ARTICLE III PHARMACY EXTERN/INTERN REGISTRATION AND PRACTICAL EXPERIENCE REQUIREMENT

1. Every person enrolled in the professional curriculum of a school of pharmacy and pursuing either a Bachelor of Science in pharmacy degree or a Doctor of Pharmacy degree must obtain an extern/intern registration from the Mississippi Board of Pharmacy prior to enrolling and participating in externship or clerkship rotations or obtaining practical experience in a pharmacy permitted by the Board. The pharmacy extern/intern shall in no manner falsely assume, directly or by inference, to be a pharmacist. To obtain an extern/intern registration, the applicant shall:
   A. Have submitted a written application on a form prescribed by the Board;
   B. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;
   C. Show proof to the Board the applicant is enrolled in a school of pharmacy approved by the Board;
   D. Have paid fees as specified by the Board.

2. A pharmacy extern/intern registration which has been issued by the Board shall expire:
   A. If the extern/intern is expelled, suspended, withdraws or is dismissed from a school of pharmacy;
   B. Six (6) months after graduation from a school of pharmacy;
   C. One year after being issued by the Board if the extern/intern registration is issued to an applicant for the purpose of obtaining extern/intern hours for reinstatement of a pharmacist license;

3. A pharmacy extern/intern may petition the Board for renewal of the registration for a period not to exceed one additional year.

4. The externship/internship practical experience required for licensure is defined as a total of sixteen hundred (1,600) hours of pharmacy experience. The sixteen hundred (1,600) hours of practical experience shall be obtained after the student is enrolled in the professional program of a school of pharmacy. Practical experience hours gained through clerkships and externships, while enrolled in a school of pharmacy whose externship rotations are approved by the Board, may be used to satisfy these requirements. In order for a pharmacy student to be considered as a valid extern in such a program, he/she must be certified by a school of pharmacy as a bona fide student making normal progress toward completion of either a Bachelor of Science or a Doctor of Pharmacy degree in pharmacy.

   Any remaining practical experience required for licensure, not obtained by the extern through externship rotations, may be obtained during official vacation periods when the extern is not enrolled as a full-time student or as an intern after graduation. No more than fifty (50) hours per week of practical experience shall be credited during any of these periods.

5. All practical experience gained in Mississippi, which is related to the dispensing of drugs, must be under the direct and immediate supervision of a pharmacist registered in Mississippi and in good standing with the Mississippi Board of Pharmacy. The direct and immediate supervision by the pharmacist requires the physical presence of the supervising pharmacist at all times and includes the constant personal supervision and monitoring of the extern or intern by the supervising pharmacist. The supervising pharmacist shall be responsible for the activities of the extern or intern.

6. No practical experience obtained in this state shall be credited to an extern or intern unless such extern or intern be registered with the Mississippi Board of Pharmacy as a pharmacy extern/intern. Practical experience hours obtained in Mississippi will expire two (2) years after graduation.

7. When a Pharmacy Intern desires to obtain credit for training received in a state other than this State, he/she shall abide by all the provisions of the internship rules in that state, and shall provide evidence from that state's Board of Pharmacy of the number of clock hours of experience actually participated in by the Pharmacy Intern. For practical experience obtained in another state and for which the Mississippi Board of Pharmacy is requested to grant credit toward the experience requirements, the applicant shall:
   A. Submit the affidavits certifying the work experience to the Board of pharmacy in the state in which the experience was obtained; and verification that these hours are currently acceptable for a license in the state where the practical experience was obtained.
   B. Request that Board of Pharmacy to send copies of the affidavits to the Mississippi Board of Pharmacy along with certification that the hours of experience claimed are acceptable to that Board.

   Upon receipt of copies of the affidavits and the statement of their acceptance by the Board of Pharmacy in the state in which the experience was obtained, the Mississippi Board of Pharmacy may grant the same credit toward practical experience requirements.

   For purposes of this Article, the term "practical experience" shall include, but not be limited to, the compounding, dispensing and labeling of drugs, interpreting and evaluating prescriptions, maintaining prescription drug records and any other activity included in the practice of pharmacy.

8. In addition to any other provisions of these regulations, the Board may impose disciplinary action upon an extern/intern for one or more of the following grounds:

   A. Fraud or intentional misrepresentation by a extern/intern in securing the issuance of a pharmacy extern/intern registration 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;
   B. Obtaining practical experience in a pharmacy permitted by the Board without the direct supervision and presence of a pharmacist licensed by the Board;
   C. Failure to notify the Board of expulsion, suspension, dismissal or withdrawal from a school of pharmacy;
   D. Violation of any university, college, or school of pharmacy policies, rules or regulations thereof.

E. 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.
F. The unlawful disclosure of information from the Prescription Monitoring Program or using information obtained from the Prescription Monitoring Program for unlawful or unethical purposes.

9. An Extern/Intern shall notify the Board immediately of any change of residence.

10. An Extern/Intern that surrenders his/her registration is no longer eligible to work as and extern/intern without petitioning the Board to re-instate his/her registration.

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

ARTICLE III PHARMACY EXTERN/INTERN REGISTRATION AND PRACTICAL EXPERIENCE REQUIREMENT

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   A. Have submitted a written application on a form prescribed by the Board;
   B. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;
   C. Show proof to the Board the applicant is enrolled in a school of pharmacy approved by the Board;
   D. Have paid fees as specified by the Board.

2. A pharmacy extern/intern registration which has been issued by the Board shall expire:
   A. If the extern/intern is expelled, suspended, withdraws or is dismissed from a school of pharmacy;
   B. Six (6) months after graduation from a school of pharmacy;
   C. One year after being issued by the Board if the extern/intern registration is issued to an applicant for the purpose of obtaining extern/intern hours for reinstatement of a pharmacist license;

3. A pharmacy extern/intern may petition the Board for renewal of the registration for a period not to exceed one additional year.

4. The externship/internship practical experience required for licensure is defined as a total of sixteen hundred (1,600) hours of pharmacy experience. The sixteen hundred (1,600) hours of practical experience shall be obtained after the student is enrolled in the professional program of a school of pharmacy. Practical experience hours gained through clerkships and externships, while enrolled in a school of pharmacy whose externship rotations are approved by the Board, may be used to satisfy these requirements. In order for a pharmacy student to be considered as a valid extern in such a program, he/she must be certified by a school of pharmacy as a bona fide student making normal progress toward completion of either a Bachelor of Science or a Doctor of Pharmacy degree in pharmacy.

   Any remaining practical experience required for licensure, not obtained by the extern through externship rotations, may be obtained during official vacation periods when the extern is not enrolled as a full-time student or as an intern after graduation. No more than fifty (50) hours per week of practical experience shall be credited during any of these periods.

5. All practical experience gained in Mississippi, which is related to the dispensing of drugs, must be under the direct and immediate supervision of a pharmacist registered in Mississippi and in good standing with the Mississippi Board of Pharmacy. The direct and immediate supervision by the pharmacist requires the physical presence of the supervising pharmacist at all times and includes the constant personal supervision and monitoring of the extern or intern by the supervising pharmacist. The supervising pharmacist shall be responsible for the activities of the extern or intern.

6. No practical experience obtained in this state shall be credited to an extern or intern unless such extern or intern be registered with the Mississippi Board of Pharmacy as a pharmacy extern/intern ~~and be issued a registration to dispense controlled substances by the Board~~. ~~Beginning May 1, 2013, p~~ Practical experience hours obtained in Mississippi will expire two (2) years after graduation.

7. When a Pharmacy Intern desires to obtain credit for training received in a state other than this State, he/she shall abide by all the provisions of the internship rules in that state, and shall provide evidence from that state's Board of Pharmacy of the number of clock hours of experience actually participated in by the Pharmacy Intern. For practical experience obtained in another state and for which the Mississippi Board of Pharmacy is requested to grant credit toward the experience requirements, the applicant shall:
   A. Submit the affidavits certifying the work experience to the Board of pharmacy in the state in which the experience was obtained; and verification that these hours are currently acceptable for a license in the state where the practical experience was obtained.
   B. Request that Board of Pharmacy to send copies of the affidavits to the Mississippi Board of Pharmacy along with certification that the hours of experience claimed are acceptable to that Board.

   Upon receipt of copies of the affidavits and the statement of their acceptance by the Board of Pharmacy in the state in which the experience was obtained, the Mississippi Board of Pharmacy may grant the same credit toward practical experience requirements.

   For purposes of this Article, ~~these Regulations~~ the term "practical experience" shall include, but not be limited to, the compounding, dispensing and labeling of drugs, interpreting and evaluating prescriptions, maintaining prescription drug records and any other activity included in the practice of pharmacy.

8. In addition to any other provisions of these regulations, the Board may impose disciplinary action upon an extern/intern for one or more of the following grounds:

   A. Fraud or intentional misrepresentation by a extern/intern in securing the issuance of a pharmacy extern/intern registration 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;
   B. Obtaining practical experience in a pharmacy permitted by the Board without the direct supervision and presence of a pharmacist licensed by the Board;
   C. Failure to notify the Board of expulsion, suspension, dismissal or withdrawal from a school of pharmacy;

D. Violation of any university, college, or school of pharmacy policies, rules or regulations thereof.
E. 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.
F. The unlawful disclosure of information from the Prescription Monitoring Program or using information obtained from the Prescription Monitoring Program for unlawful or unethical purposes.

9. An Extern/Intern shall notify the Board immediately of any change of residence.

10. An Extern/Intern that surrenders his/her registration is no longer eligible to work as an extern/intern without petitioning the Board to re-instate his/her registration.

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

ARTICLE XXXIV PHARMACY EXTERN/INTERN REGISTRATION

REPEALED

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

ARTICLE XXXIV PHARMACY EXTERN/INTERN REGISTRATION

1. Every person enrolled in the professional curriculum of a school of pharmacy and pursuing either a Bachelor of Science in pharmacy degree or a Doctor of Pharmacy degree must obtain an extern/intern registration from the Mississippi Board of Pharmacy prior to enrolling and participating in externship or clerkship rotations or obtaining practical experience in a pharmacy permitted by the Board. The pharmacy extern/intern shall in no manner falsely assume, directly or by inference, to be a pharmacist. To obtain an extern/intern registration, the applicant shall:
   A. Have submitted a written application on a form prescribed by the Board;
   B. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;
   C. Show proof to the Board the applicant is enrolled in a school of pharmacy approved by the Board;
   D. Have paid fees as specified by the Board.

2. A pharmacy extern/intern registration which has been issued by the Board shall expire when:
   A. The extern/intern is expelled, suspended, withdraws or is dismissed from a school of pharmacy;
   B. The extern/intern fails to become licensed as a registered pharmacist within six (6) months of graduation from a school of pharmacy;
   C. Upon the expiration of a pharmacy extern/intern registration, the registrant may petition the Board for re-registration.

   All pharmacy interns/externs shall notify the Board immediately upon change of employment and residence address.

   When a Pharmacy Intern desires to obtain credit for training received in a state other than this State, he/she shall abide by all the provisions of the internship rules in that state, and shall provide evidence from that state's Board of Pharmacy of the number of clock hours of experience actually participated in by the Pharmacy Intern.

3. The Board may refuse to issue, or renew, or may suspend, revoke, or restrict the registration of any extern/intern upon one or more of the following grounds:
   A. Unprofessional conduct as defined in ARTICLE V, paragraph G., Pharmacy Practice Regulations of the Mississippi Board of Pharmacy;
   B. Violation of any regulation(s) of the Board;
   C. Violation of any provisions of the Mississippi Pharmacy Practice Act or the Mississippi Uniform Controlled Substances Act;
   D. Violation of pharmacy or drug laws of this state or any other state or rules and regulations pertaining thereto;
   E. Fraud or intentional misrepresentation by a extern/intern in securing the issuance of a pharmacy extern/intern registration 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;

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. Physical or mental incapacity that prevents the intern/extern from practicing pharmacy with reasonable skill and safety to the public.
H. Divulging or revealing patient confidential or protected health information to any person other than as authorized by Board regulations.
I. Failure to comply with any lawful order of the Board;
J. Obtaining practical experience in a pharmacy permitted by the Board without the direct supervision and presence of a pharmacist licensed by the Board;
K. Failure to notify the Board of expulsion, suspension, dismissal or withdrawal from a school of pharmacy;
L. Violation of any university, college, or school of pharmacy policies, rules or regulations thereof.
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 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.
S. Failing to pay costs assessed in a disciplinary hearing.
T. The unlawful disclosure of information from the Prescription Monitoring Program.
U. Using information obtained from the Prescription Monitoring Program for unlawful or unethical purposes.

4. For purposes of this ARTICLE ,"obtaining practical experience" shall include, but not be limited to, the compounding, dispensing and labeling of drugs, interpreting and evaluating prescriptions, maintaining prescription records and any other activity included in the practice of pharmacy under the direct supervision of a pharmacist.

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

ARTICLE XXXI COMPOUNDING GUIDELINES

Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals shall comply with USP 797 and 795 standards. The designated USP representative must be a pharmacist licensed in the State of Mississippi.

1. GENERAL PROVISIONS
   - A. Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.
     - i. To obtain a compounding certificate, an applicant must complete a compounding certificate application.
     - ii. A compounding certificate will expire when the pharmacy permit expires and can be renewed at the time a pharmacy permit is renewed.
     - iii. Compounding, without obtaining the compounding certificate, shall be grounds for disciplinary action.
     - iv. Every pharmacy that engages in compounding shall submit a compounding statistical report to the Board on or about January 31st of each year on a form prescribed by the Board.
     - v. Failure to submit the report as required by this regulation shall be grounds for disciplinary action.
     - vi. A compounding certificate shall become inactive if a pharmacy fails to compound any prescriptions in a calendar year. A pharmacy may not compound prescriptions with an inactive compounding certificate. A pharmacy may petition the Board to activate a compounding certificate that is inactive.
     - vii. Any pharmacy with an active compounding certificate is subject to a compounding inspection by the Board.
   - B. Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, a pharmacy may compound, for an individual patient, medications that are not commercially available in the marketplace. Compounding and manufacturing, as defined within the regulations, are not permitted in the same facility. A pharmacy may not Compound a Drug that appears on the FDA List of Drugs withdrawn or removed from the market for Safety Reasons or on the FDA List of Drug products that present demonstrable difficulties in compounding.
   - C. For the purpose of this Article, the combining of commercially manufactured, ready-to-use products shall be exempt from USP 795 compounding standards under the following conditions:
     - i. No more than four (4) commercially manufactured ready-to-use products (that have not been manipulated) are used;
     - ii. Compounding is not done in anticipation of medication orders;
     - iii. Must follow USP 795 beyond use dates (BUDs);
     - iv. A valid prescription shall serve as the compounding record;

v. The prescription label shall comply with the labeling requirements as set forth in Article XIV of these regulations and also include:
   (1) Name of Preparation;
   (2) Strength and concentration of each component;
   (3) Beyond Use Date;
   (4) Special storage requirements, if applicable; and
   (5) Cautionary auxiliary labels, if applicable.

D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.

E. Pharmacies shall not offer compounded human drug products to practitioners or to other pharmacies for resale or dispensing. However, patient specific medications may be prepared on behalf of a pharmacy permitted as an Institutional I, Hospital, 3.1 pharmacy for an inpatient at that facility. Pharmacies may compound patient specific medications for office administration by a practitioner.

F. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services (e.g., chemicals, devices and information when requested); however, they shall not solicit business by promoting to compound specific drug products (e.g., like a manufacturer).

G. The compounding of inordinate amounts of drugs in anticipation of receiving prescriptions without any historical basis or the distribution of inordinate amounts of compounded products without a patient/practitioner/pharmacist relationship is considered manufacturing.

2. RECORDS

A. The pharmacy shall keep records of all compounded products as required by the Mississippi Board of Pharmacy. Such records shall be readily available for authorized inspection during the retention period at the establishment. These records shall be subject to duplication by photocopying or other means of reproduction as part of any such inspection.

B. Drug Orders: The pharmacist must receive a written, electronic or verbal order from an authorized prescriber before dispensing any compounded product.

i. If the drug order is for an inpatient at an institutional facility, a copy of the patient's medication order may serve as an order for the preparation and dispensing of the compounded product. This and the medication administration record may be maintained as the permanent record in medical records at the facility.

ii. If the drug order is for an outpatient, the order must be in the form of a prescription document or a patient medication order sheet which contains, at a minimum, the following:
   (1) Patient name;
   (2) Patient address;
   (3) name of medication and strength;

(4) Directions for use;
(5) Date;
(6) Prescriber's name;
(7) Physician's address and Drug Enforcement Administration registration number, if applicable;
(8) Refill instructions.

C. Prescriptions for compounded products shall be filed in accordance with the prescription recordkeeping provisions of these regulations. Patient medication order sheets used as authorization for the dispensing of drugs shall be filed in an easily retrievable manner.

3. COMPOUNDING WHEN COMMERCIAL PRODUCTS ARE NOT AVAILABLE

A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:
   i. Products that appear on a website maintained by the federal Food and Drug Administration (FDA) and/or the American Society of Health Systems Pharmacists (ASHP); or
   ii. Products temporarily unavailable from the manufacturer, as documented by invoice or other communication from the distributor or manufacturer.

4. COMPOUNDING FOR VETERINARY USE

A. All compounding for non-human medications must follow USP 795/797 compounding standards.

B. A pharmacy may compound a preparation intended for administration to an animal patient:
   i. Pursuant to a patient specific prescription; or
   ii. Pursuant to a non-patient specific order from a veterinarian.

C. The label for non-patient specific compounded preparations shall contain, at a minimum, the following:
   i. Pharmacy's name, address and telephone number;
   ii. Veterinarian's name;
   iii. Name of preparation;
   iv. Strength and concentration;
   v. Lot number;
   vi. Beyond use date (BUD);
   vii. Special storage requirements, if applicable;
   viii. Name or initials of the pharmacist responsible for final check of the preparation.

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

ARTICLE XXXI COMPOUNDING GUIDELINES

Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals shall comply with USP 797 and 795 standards. The designated USP representative must be a pharmacist licensed in the State of Mississippi.

1. GENERAL PROVISIONS
   - A. Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.
     - i. To obtain a compounding certificate, an applicant must complete a compounding certificate application.
     - ii. A compounding certificate will expire when the pharmacy permit expires and can be renewed at the time a pharmacy permit is renewed.
     - iii. Compounding, without obtaining the compounding certificate, shall be grounds for disciplinary action.
     - iv. Every pharmacy that engages in compounding shall submit a compounding statistical report to the Board on or about January 31st of each year on a form prescribed by the Board.
     - v. Failure to submit the report as required by this regulation shall be grounds for disciplinary action.
     - vi. A compounding certificate shall become inactive if a pharmacy fails to compound any prescriptions in a calendar year. A pharmacy may not compound prescriptions with an inactive compounding certificate. A pharmacy may petition the Board to activate a compounding certificate that is inactive.
     - vii. Any pharmacy with an active compounding certificate is subject to a compounding inspection by the Board.
   - B. Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, a pharmacy may compound, for an individual patient, medications that are not commercially available in the marketplace. Compounding and manufacturing, as defined within the regulations, are not permitted in the same facility. A pharmacy may not Compound a Drug that appears on the FDA List of Drugs withdrawn or removed from the market for Safety Reasons or on the FDA List of Drug products that present demonstrable difficulties in compounding.
   - C. For the purpose of this Article, the combining of commercially manufactured, ready-to-use products shall be exempt from USP 795 compounding standards under the following conditions:
     - i. No more than four (4) commercially manufactured ready-to-use products (that have not been manipulated) are used;
     - ii. ~~All products used are FDA approved~~;
     - iii. Compounding is not done in anticipation of medication orders;
     - iv. Must follow USP 795 beyond use dates (BUDs);

v. A valid prescription shall serve as the compounding record;

vi. The prescription label shall comply with the labeling requirements as set forth in Article XIV of these regulations and also include:

(1) Name of Preparation;
(2) Strength and concentration of each component;
(3) Beyond Use Date;
(4) Special storage requirements, if applicable; and
(5) Cautionary auxiliary labels, if applicable.

D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.

E. Pharmacies shall not offer compounded human drug products to practitioners or to other pharmacies for resale or dispensing. However, patient specific medications may be prepared on behalf of a pharmacy permitted as an Institutional I, Hospital, 3.1 pharmacy for an inpatient at that facility. Pharmacies may compound patient specific medications for office administration by a practitioner.

F. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services (e.g., chemicals, devices and information when requested); however, they shall not solicit business by promoting to compound specific drug products (e.g., like a manufacturer).

G. The compounding of inordinate amounts of drugs in anticipation of receiving prescriptions without any historical basis or the distribution of inordinate amounts of compounded products without a patient/practitioner/pharmacist relationship is considered manufacturing.

2. RECORDS

A. The pharmacy shall keep records of all compounded products as required by the Mississippi Board of Pharmacy. Such records shall be readily available for authorized inspection during the retention period at the establishment. These records shall be subject to duplication by photocopying or other means of reproduction as part of any such inspection.

B. Drug Orders: The pharmacist must receive a written, electronic or verbal order from an authorized prescriber before dispensing any compounded product.

i. If the drug order is for an inpatient at an institutional facility, a copy of the patient's medication order may serve as an order for the preparation and dispensing of the compounded product. This and the medication administration record may be maintained as the permanent record in medical records at the facility.

ii. If the drug order is for an outpatient, the order must be in the form of a prescription document or a patient medication order sheet which contains, at a minimum, the following:

(1) Patient name;
(2) Patient address;

(3) name of medication and strength;
(4) Directions for use;
(5) Date;
(6) Prescriber's name;
(7) Physician's address and Drug Enforcement Administration registration number, if applicable;
(8) Refill instructions.

C. Prescriptions for compounded products shall be filed in accordance with the prescription recordkeeping provisions of these regulations. Patient medication order sheets used as authorization for the dispensing of drugs shall be filed in an easily retrievable manner.

3. COMPOUNDING WHEN COMMERCIAL PRODUCTS ARE NOT AVAILABLE

A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:

i. Products that appear on a website maintained by the federal Food and Drug Administration (FDA) and/or the American Society of Health Systems Pharmacists (ASHP); or

ii. Products temporarily unavailable from the manufacturer, as documented by invoice or other communication from the distributor or manufacturer.

4. COMPOUNDING FOR VETERINARY USE

A. All compounding for non-human medications must follow USP 795/797 compounding standards.

B. A pharmacy may compound a preparation intended for administration to an animal patient:

i. Pursuant to a patient specific prescription; or

ii. Pursuant to a non-patient specific order from a veterinarian.

C. The label for non-patient specific compounded preparations shall contain, at a minimum, the following:

i. Pharmacy's name, address and telephone number;
ii. Veterinarian's name;
iii. Name of preparation;
iv. Strength and concentration;
v. Lot number;
vi. Beyond use date (BUD);
vii. Special storage requirements, if applicable;
viii. Name or initials of the pharmacist responsible for final check of the preparation.

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

ARTICLE XXXVI PHARMACEUTICAL HEALTH CARE INITIATION AND/OR MODIFICATION OF DRUG THERAPY UNDER PROTOCOL

1. Pharmacists may provide pharmaceutical health care to patients by initiating, discontinuing or modifying prescription drug therapy upon entering into an active protocol agreement with a licensed prescribing practitioner. Each protocol must define the parameters by which the practitioner delegates this authority and any such authority granted must be within the scope of the practitioner's prescribing authority and current practice. A copy of the written protocol shall be made available upon request of the Board or an agent of the Board.

   For purposes of this ARTICLE, "written protocol" shall mean an agreement with a practitioner authorized to prescribe drugs whereby the prescribing practitioner delegates to a pharmacist or pharmacists, authority to conduct specific initiation, discontinuation or modification of drug therapy functions for those patients common to the practitioner and pharmacist(s).

2. For a pharmacist to initiate, discontinue or modify drug therapy under protocol a pharmacist must have and maintain an unrestricted license to practice pharmacy issued by the Mississippi Board of Pharmacy and notify the Board pursuant to the Board's licensing system that he/she is operating under a protocol.

3. Protocol agreements shall include, at a minimum, the following:
   A. Identification of the practitioner and pharmacist(s) with whom the protocol is written;
   B. Specific responsibilities authorized by the practitioner;
   C. Patient data the practitioner wishes the pharmacist(s) to collect;
   D. Data reporting frequency and methods;
   E. The procedures or plan that the pharmacist shall follow upon initiation and/or modification of drug therapy; and
   F. The duration of the protocol agreement not to exceed two (2) years.

4. The prescription/drug order for any drug dispensed under a protocol shall indicate the name of the pharmacist initiating/modifying the prescription. The protocol shall be limited to non-scheduled drugs.

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

ARTICLE XXXVI PHARMACEUTICAL HEALTH CARE INITIATION AND/OR MODIFICATION OF DRUG THERAPY UNDER PROTOCOL

~~1.~~ Pharmacists may provide pharmaceutical health care to patients by initiating, discontinuing ~~and/~~or modifying prescription drug therapy upon entering into an active protocol agreement with a licensed prescribing practitioner. ~~after a written protocol, indicating approval by a licensed practitioner who is authorized to prescribe prescription drugs, has been placed on file at the office of the Board.~~ Each protocol ~~Any such protocol~~ must define the parameters ~~agreement~~ by which the practitioner delegates this authority and any such authority granted must be within the scope of the practitioner's prescribing authority and current practice. ~~Any modification of the agreement must be treated as a new protocol.~~ A copy of the written protocol shall be made available upon request of the Board or an agent of the Board.

For purposes of this ARTICLE, "written protocol" shall mean an agreement with a ~~in which any~~ practitioner authorized to prescribe drugs whereby the prescribing practitioner delegates to a pharmacist or pharmacists, authority to conduct specific initiation, discontinuation ~~and/~~or modification of drug therapy functions for those patients common to the practitioner and pharmacist(s) ~~in an institutional setting~~. ~~In a community pharmacy out-patient setting, a specific protocol agreement shall be signed on each patient for whom a practitioner delegates any authority to initiate or modify drug therapy.~~

2. ~~Unless specifically authorized by the Board, no person shall~~ For a pharmacist to initiate, discontinue or modify drug therapy under ~~a~~ protocol ~~agreement unless he/she is certified and possesses the following qualifications: and~~ a pharmacist must have
   A. ~~Have~~ and maintain an unrestricted license to practice pharmacy issued by the Mississippi Board of Pharmacy and notify the Board pursuant to the Board's licensing system that he/she is operating under a protocol.
   ~~B. Have attended and successfully completed at least sixteen (16) hours of continuing education consisting of basic pharmaceutical care, development of patient care plans, and the clinical practice of pharmacy which has been approved by the Board; and in addition~~
   ~~C. Have attended and successfully completed a Board pre-approved study course consisting of not less than sixteen (16) hours of continuing education focusing on a specific disease state, patient care plans, and protocol management.~~

~~Pharmacists shall, on a biennial basis, obtain re-certification in each disease state by successfully completing a continuing education program consisting of not less than six (6) hours focusing on nationally recognized updates.~~

~~Pharmacists who have successfully completed any study course(s) focusing on disease state management and protocols or re-certification, shall send to the Board office copies of any documents certifying such on request.~~

3. Protocol agreements shall ~~meet~~ include, at a minimum, the following ~~requirements~~:
   A. Identification of the practitioner and pharmacist(s) with whom the protocol is written; ~~who agrees to supervise the pharmacist, and the scope of the practitioner's active practice; and~~

B. ~~Describe the s~~Specific responsibilities authorized by the supervising practitioner; ~~and~~

~~C. Describe the method the pharmacist shall use to document decisions or recommendations the pharmacist makes to the supervising practitioner; and~~

D. ~~Describe the p~~Patient data ~~activities~~ the ~~supervising~~ practitioner wishes ~~requires~~ the pharmacist(s) to collect;~~monitor; and~~

~~E.~~ Data reporting frequency and methods;~~Describe the types of reports the supervising practitioner requires the pharmacist to report and the schedule by which the pharmacist is to submit these reports; and~~

~~F. Include a statement of the medication categories and the type of initiation and modification of drug therapy that the supervising practitioner authorizes the pharmacist to perform; and~~

G. ~~Describe t~~The procedures or plan that the pharmacist shall follow ~~if the pharmacist exercises~~ upon initiation and/or modification of drug therapy; and

H. ~~Indicate the date the supervising practitioner's supervision ends.~~ The duration of the protocol agreement not to exceed two (2) years.~~shall not exceed one (1) year; and~~

~~I. Be dated and signed by the pharmacist(s) and the supervising practitioner. If more than one practitioner agrees to supervise the pharmacist(s), each practitioner and pharmacist(s) shall sign and date the protocol; and~~

~~J. Include a statement that stipulates that the patient has been notified by the pharmacist(s) and the supervising practitioner that a protocol agreement exists~~

4. The prescription/drug order for any drug dispensed under a protocol shall indicate the name of the pharmacist initiating/modifying the prescription. The protocol shall be limited to non-scheduled drugs.

Title 30: Professions and Occupations
Part 3002: Mississippi Board of Pharmacy Administrative Rules
Chapter 3: Disciplinary Proceedings

Rule 3.6 Hearing Procedures.

A. All hearings shall be conducted by the Board, which shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings.
B. The hearing shall be held at the time and place as specified in the Notice of Hearing and Complaint unless continued for good cause.
C. All hearings are open to the public, subject to the Board entering executive session, which shall be closed to the public.
D. The Board President, Vice-President or senior member of the Board will preside over the hearing.
E. The Board may be assisted by a hearing officer who shall advise the Board on matters of law and procedure and rule on all objections and motions. The hearing officer's participation shall be limited to an advisory role.
F. Any Board members that participated in the IRC for the matter before the Board will recuse themselves and not participate in the hearing.
G. All hearings shall be recorded and the Board, or court reporter, shall administer oaths as may be necessary for the proper conduct of the hearing.
H. The Respondent may retain legal counsel or may represent themselves.
I. Upon direction from the Presiding Officer, the Board counsel shall present evidence and call witnesses to support the charges filed in the Notice of Hearing and Complaint.
J. The Respondent or Respondent's counsel may present evidence or call witnesses to answer the charges filed in the Notice of Hearing and Complaint.
K. The Board shall not hear evidence nor make findings on any violations that were not part of the Notice of Hearing and Complaint.
L. All witnesses at the hearing shall be subject to direct examination, cross examination and questions by the Board. Re-direct and re-cross examinations shall be at the discretion of the Board.
M. The Board should adjudicate each charge and make findings of fact on each charge as presented in the Notice of Hearing and Complaint. Any determination by the Board shall be based upon sufficient evidence to sustain it.
N. The Board shall, within thirty (30) days after the conclusion of the hearing, reduce its decision to writing and forward an attested true copy to the last-known residence or business address of the licensee or permit holder by way of United States first-class, certified mail, postage prepaid.

Source: *Miss. Code Ann. §§* 73-21-99; 73-21-81.

Title 30: Professions and Occupations
Part 3002: Mississippi Board of Pharmacy Administrative Rules
Chapter 3: Disciplinary Proceedings

Rule 3.6 Hearing Procedures.

A. All hearings shall be conducted by the Board, which shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings.
B. The hearing shall be held at the time and place as specified in the Notice of Hearing and Complaint unless continued for good cause.
C. All hearings are open to the public, subject to the Board entering executive session, which shall be closed to the public.
D. The Board President ,Vice-President or senior member of the Board will preside over the hearing ~~and will rule on all objections or motions~~.
E. The Board may be assisted by a hearing officer ~~legal counsel~~ who shall advise the Board on matters of law and procedure and rule on all objections and motions. The hearing officer's ~~Legal counsel's~~ participation shall be limited to an advisory role.
F. Any Board members that participated in the IRC for the matter before the Board will recuse themselves and not participate in the hearing.
G. All hearings shall be recorded and the Board, or court reporter, shall administer oaths as may be necessary for the proper conduct of the hearing.
H. The Respondent may retain legal counsel or may represent themselves.
I. Upon direction from the Presiding Officer, the Board counsel shall present evidence and call witnesses to support the charges filed in the Notice of Hearing and Complaint.
J. The Respondent or Respondent's counsel may present evidence or call witnesses to answer the charges filed in the Notice of Hearing and Complaint.
K. The Board shall not hear evidence nor make findings on any violations that were not part of the Notice of Hearing and Complaint.
L. All witnesses at the hearing shall be subject to direct examination, cross examination and questions by the Board. Re-direct and re-cross examinations shall be at the discretion of the Board.
M. The Board should adjudicate each charge and make findings of fact on each charge as presented in the Notice of Hearing and Complaint. Any determination by the Board shall be based upon sufficient evidence to sustain it.
N. The Board shall, within thirty (30) days after the conclusion of the hearing, reduce its decision to writing and forward an attested true copy to the last-known residence or business address of the licensee or permit holder by way of United States first-class, certified mail, postage prepaid.

Source: *Miss. Code Ann. §§* 73-21-99; 73-21-81.

Title 30: Professions and Occupations
Part 3002: Mississippi Board of Pharmacy Administrative Rules
Chapter 3: Disciplinary Proceedings

Rule 3.9 Settlement Negotiations and Agreed Orders.
When the Respondent has been duly served with a Notice of Hearing and Complaint, the Respondent and/or Respondent's counsel may request Settlement negotiations for the purpose of possible resolution of the matter or for purpose of simplifying the issues for hearing or promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at hearing.

A. The Respondent and/or his counsel and Board Counsel shall participate in the settlement negotiations. Board members who served on the Investigations Review Committee (IRC) for the matter and compliance agents who investigated the matter shall be consulted during the settlement negotiations. Other Board members may not participate nor have knowledge or input into any of the settlement negotiations.
B. Informal Discovery or exchange of information may be accomplished during the settlement negotiations.
C. Settlement Conferences shall not be held on the day of the scheduled hearing.
D. The settlement negotiations may result in:
    a. Preparation of a proposed Agreed Order as a resolution of the matter; or
    b. Proceeding with the scheduled hearing.
E. Any action which the Board may take following a full disciplinary hearing may be taken by Agreed Order.
F. The proposed Agreed Order shall be presented to the Board at the scheduled Hearing date and time. The terms of the Agreed Order are not effective until approved by the Board.
G. The Respondent has the obligation to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have prior to approving the proposed Agreed Order.
H. Failure of the Board to approve the proposed Agreed Order shall result in a formal disciplinary hearing before the Board on a rescheduled hearing date.

Source: Miss. Code Ann. § 73-21-81.

Title 30: Professions and Occupations
Part 3002: Mississippi Board of Pharmacy Administrative Rules
Chapter 3: Disciplinary Proceedings

Rule 3.9 Settlement Negotiations ~~Conferences~~ and Agreed ~~Consent~~ Orders.
When the Respondent has been duly served with a Notice of Hearing and Complaint, the Respondent and/or Respondent's counsel may request ~~a~~ Settlement negotiations ~~Conference~~ for the purpose of possible resolution of the matter or for purpose of simplifying the issues for hearing or promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at hearing.

A. The Respondent and/or his counsel and Board Counsel shall participate in the settlement negotiations. ~~Settlement Conference. Compliance Agents for the Board and~~ Board members who served on the Investigations Review Committee (IRC) for the matter and compliance agents who investigated the matter shall be consulted during the settlement negotiations. ~~may also participate.~~ Other Board members may not participate nor have knowledge or input into any of the settlement negotiations. ~~activities of the Settlement Conference.~~
B. Informal Discovery or exchange of information may be accomplished ~~prior to or~~ during the settlement negotiations. ~~Settlement Conference~~.
C. Settlement Conferences shall not be held on the day of the scheduled hearing.
D. The settlement negotiations ~~Settlement Conference~~ may result in:
    c. Preparation of a proposed Agreed ~~Consent~~ Order as a resolution of the matter; or
    d. Proceeding with the scheduled hearing.
E. Any action which the Board may take following a full disciplinary hearing may be taken by Agreed ~~Consent~~ Order.
F. The proposed Agreed ~~Consent~~ Order shall be presented to the Board at the scheduled Hearing date and time. The terms of the Agreed ~~Consent~~ Order are not effective until approved by the Board.
G. The Respondent has the obligation to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have prior to approving the proposed Agreed ~~Consent~~ Order.
H. Failure of the Board to approve ~~and/or ratify~~ the proposed Agreed ~~Consent~~ Order shall result in a formal disciplinary hearing before the Board on a rescheduled hearing date. ~~as originally scheduled in the Notice of Hearing and Complaint.~~

Source: Miss. Code Ann. § 73-21-81.

On January 21, 2021, came the matter of OKC Allergy Supplies, Inc., Drug Facility Permit Number 16752/16.1a, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

OKC ALLERGY SUPPLIES, INC.
1005 SW 2ND STREET
OKLAHOMA CITY, OK 73109

PHARMACEUTICAL DRUG FACILITY
PERMIT TO OPERATE AS A MANUFACTURER

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of OKC Allergy Supplies, Inc., Drug Facility Permit Number 16752/16.1a, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

SETTLEMENT AGREEMENT

Pursuant to discussions between Board Counsel and the Respondent, an Agreement to Settle this matter is found to be in the best interest of all parties involved. It is hereby Agreed as follows:

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

(1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law;

(2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated;

(3) The Respondent neither admits nor denies a violation of Mississippi Code Annotated Section 73-21-105 (1), which provides in relevant part:

> Every facility/business that engages in the wholesale distribution of prescription drugs, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in this state, or distribution from or within this state, and every reverse distributor located in or outside this of state that conducts business with pharmacies in this state, shall register biennially or annually, to be determined by the board, with the Mississippi State Board of Pharmacy by applying for a permit on a form supplied by the board and accompanied by a fee as set by subsection (4) of this section.

(4) The manufacturing permit for OKC Allergy Supplies, Inc., Drug Facility Permit Number 16752/16.1a expired December 31, 2019. OKC Allergy Supplies, Inc. did not renew the permit until September 21, 2020. During the time the permit was expired, OKC Allergy

Supplies, Inc. shipped approximately seventy (70) drug product units into the State of Mississippi.

(5) The Respondent agrees to comply with the action stated below as imposed by the Board.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of Two Thousand Dollars ($2,000.00) for a violation of the Pharmacy Practice Act.
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Two Hundred Fifty Dollars ($250.00).
- The total monetary fee and cost of investigation shall be Two Thousand Two Hundred Fifty Dollars ($2,250.00) and shall be paid by money order or cashier's check.

I hereby agree to the findings and terms of this Agreed Order:

Andy Ameye, OKC Allergy Supplies, Inc.

SUBSCRIBED AND SWORN TO, in my presence, this 4 day of January, 2020.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

11/14/2021

TINA M. SIMPSON
NOTARY PUBLIC
NO. 01SI6137195
QUALIFIED IN
NASSAU COUNTY
COMM. EXP.
11/14/2021
STATE OF NEW YORK

ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
IRC Jillian Foster, President	____	____	IRC
Larry Calvert, Vice-President	✓	____	____
J. Todd Barrett, Secretary	✓	____	____
Ronnie Bagwell	✓	____	____
Ryan Harper	✓	____	____
Guy Phillips	____	____	____
IRC Tony Waits	____	____	IRC

On January 21, 2021, came on the matter of Watson Rx Solutions, Inc., Permit to Operate a Pharmacy Number 14447/7.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

WATSON RX SOLUTIONS, INC
1106 BRADSHAW DRIVE
FLORENCE, AL 35630

PERMIT TO OPERATE AS A PHARMACY NUMBER 14447/7.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Watson Rx Solutions, Inc., Permit to Operate a Pharmacy Number 14447/7.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Watson Rx Solutions, Inc., Permit to Operate a Pharmacy Number 14447/7.1, is alleged to have committed the following violations:

I. Violation of Section 41-29-125(1)(a), Mississippi Code of 1972, Annotated:

(a) Every person who manufactures, distributes or dispenses any controlled substance within this state or who distributes or dispenses any controlled substance into this state from an out-of-state location, or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance within this state or the distribution or dispensing of any controlled substance into this state from an out-of-state location, must obtain a registration issued by the State Board of Pharmacy, the State Board of Medical Licensure, the State Board of Dental Examiners, the Mississippi Board of Nursing or the Mississippi Board of Veterinary Medicine, as appropriate, in accordance with its rules and the law of this state. Such registration shall be obtained annually or biennially, as specified by the issuing board, and a reasonable fee may be charged by the issuing board for such registration.

Specifically, Watson Rx Solutions, Inc., Permit to Operate a Pharmacy Number 14447/7.1 has dispensed Ketamine HCL Powder, a controlled substance, to a patient in Mississippi on eight (8) occasions beginning January 20, 2020 without obtaining a controlled substance registration as required by law.

II. Violation of Mississippi Pharmacy Practice Regulations ARTICLE XXXI COMPOUNDING GUIDELINES, Paragraph 1, A:

A. **Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.**

i. To obtain a compounding certificate, an applicant must complete a compounding certificate application.

ii. A compounding certificate will expire when the pharmacy permit expires and can be renewed at the time a pharmacy permit is renewed.

iii. **Compounding, without obtaining the compounding certificate, shall be grounds for disciplinary action.**

iv. Every pharmacy that engages in compounding shall submit a compounding statistical report to the Board on or about January 31st of each year on a form prescribed by the Board.

v. Failure to submit the report as required by this regulation shall be grounds for disciplinary action.

Specifically, Watson Rx Solutions, Inc., Permit to Operate a Pharmacy Number 14447/7.1, has shipped compounded prescriptions to a patient in Mississippi without first obtaining a compounding certificate from the Mississippi Board of Pharmacy.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

(1) That the Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law;

(2) That the Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 14447/7.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated;

(3) That the Respondent committed the violation as charged.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained on file in the office of the Board.

- Respondent shall stop dispensing controlled substances to patients in Mississippi until a controlled substance registration is obtained from the Board.
- Respondent shall stop dispensing compounded prescriptions to patients in Mississippi until a compounding certificate is obtained from the Board (or alternatively provide an attestation that compounded prescriptions will not be shipped to Mississippi patients).
- Pursuant to Section 73-21-103 (l)(d), Respondent shall pay the sum of Two Thousand Five Hundred Dollars ($2,500.00) as a monetary penalty of all claims alleged by the Board in this matter.
- Pursuant to Section 73-21-103 (l)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Fifty Dollars ($150.00).

- The total monetary penalty and cost of investigation shall be Two Thousand Six Hundred Fifty Dollars ($2,650.00). The monetary penalty and cost of investigation is due and payable in the office of the Board within thirty (30) days of receipt of this Order.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
Jillian Foster, President	✓		
Larry Calvert, Vice-President	✓		
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	IRC		IRC
Ryan Harper	✓		
Guy Phillips	IRC		IRC
Tony Waits	X		

On January 21, 2021, came on the matter of VRC Medical Services, Permit to Operate as a Non-Resident Wholesale Drug Distributor, Permit Number 16074/16.5a, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ryan Harper and Larry Calvert served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Guy Phillips was absent from the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

VRC MEDICAL SERVICES
357 ELF ROAD
SEWAREN, NJ 07077

PERMIT TO OPERATE AS A NON-RESIDENT WHOLESALE DRUG DISTRIBUTOR, PERMIT NUMBER 16074/16.5a

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of VRC Medical Services, Permit to Operate as a Non-Resident Wholesale Drug Distributor, Permit Number 16074/16.5a, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

VRC Medical Services, Permit to Operate as a Non-Resident Wholesale Drug Distributor, Permit Number 16074/16.5a, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1, F:

> Violation of any of the provisions of the Mississippi Pharmacy Practice Act or rules or regulations adopted pursuant to such Act; or violation of pharmacy or drug laws of any other state or the federal government or the rules/regulations pertaining thereto;

Mississippi Pharmacy Practice Regulations ARTICLE XXXII, PHARMACEUTICAL DRUG FACILITY PERMITS, Paragraph 7:

> 7. If the employment of a permit holder or designated representative 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 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 board within 30 days and must have new permit within 60 days.

Specifically, Frank Incognito notified the Board on April 8, 2020 that he was no longer the designated representative for VRC Medical Services, Permit to Operate as a Non-Resident Wholesale Drug Distributor, Permit Number 16074/16.5a. Incognito stated that he resigned

effective February 28, 2020. VRC Medical Services did not submit an application for a new designated representative as required by regulation.

FINAL ORDER OF THE BOARD

This matter is referred back to the Investigative Review Committee (IRC) for further consideration.

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ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
Jillian Foster, President	✓		
Larry Calvert, Vice-President	IRC		IRC
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	X		
Ryan Harper	IRC		IRC
Guy Phillips			
Tony Waits	X		

On January 21, 2021, came the matter of Nortru, LLC, a reverse distributor, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

NORTRU, LLC
421 LYCASTE STREET
DETROIT, MI 48214

PHARMACEUTICAL DRUG FACILITY
PERMIT TO OPERATE AS A REVERSE DISTRIBUTOR

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Nortru, LLC, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Nortru, LLC, a reverse distributor, is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105 (1) which provides in relevant part:

> Every facility/business that engages in the wholesale distribution of prescription drugs, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in this state, or distribution from or within this state, and **every reverse distributor located in or outside this of state that conducts business with pharmacies in this state, shall register biennially or annually, to be determined by the board, with the Mississippi State Board of Pharmacy by applying for a permit on a form supplied by the board and accompanied by a fee as set by subsection (4) of this section.**

Specifically, Nortru, LLC has accepted drugs as a reverse distributor from CVS Pharmacy #10400, Pharmacy Permit No. 13885/1.2 on August 12, 2020 and CVS Pharmacy #5865, Pharmacy Permit No. 01537/1.2 on April 29, 2020 and has not obtained a permit from the Board to operate as a reverse distributor.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

(1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.

(2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

(3) The Respondent did not appear for the hearing and the hearing was held in the defendant's absence.

(4) The Respondent committed the violations as charged.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Respondent shall cease to do business as a reverse distributor in the State of Mississippi until it has secured a pharmaceutical drug facility permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(i), Respondent shall pay a monetary fee in the amount of Five Hundred Dollars ($500.00) for the first violation of the Pharmacy Practice Act.
- Pursuant to Section 73-21-103 (1)(d)(ii), Respondent shall pay a monetary fee in the amount of Five Thousand Dollars ($5,000.00) for the second violation of the Pharmacy Practice Act.
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of One Hundred Fifty Dollars ($150.00).
- The total monetary fee and cost of investigation shall be Five Thousand Six Hundred Fifty Dollars ($5,650.00) and shall be paid by money order or cashier's check.
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
Julian Foster, President	✓		
Larry Calvert, Vice-President	✓		
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	IRC		IRC
Ryan Harper	✓		
Guy Phillips	IRC		IRC
Tony Waits	X		

Nortru

On January 21, 2021, came the matter of McGowen Enterprises, d/b/a Acute Care Pharmaceuticals, a wholesale distributor, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Guy Phillips was absent from the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

MCGOWEN ENTERPRISES, INC.
d/b/a ACUTE CARE PHARMACEUTICALS
12225 WORLD TRADE DRIVE, SUITE A
SAN DIEGO, CA 92128

PHARMACEUTICAL DRUG FACILITY
PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of McGowen Enterprises, d/b/a Acute Care Pharmaceuticals, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Acute Care Pharmaceuticals is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105 (1) which provides in relevant part:

> Every facility/business that engages in the wholesale distribution of prescription drugs, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in this state, or distribution from or within this state, and every reverse distributor located in or outside this of state that conducts business with pharmacies in this state, shall register biennially or annually, to be determined by the board, with the Mississippi State Board of Pharmacy by applying for a permit on a form supplied by the board and accompanied by a fee as set by subsection (4) of this section.

Specifically, Acute Care Pharmaceuticals has distributed prescription drug products into the State of Mississippi to Healthsouth Surgicare of Jackson in 2019 and 2020 and has not obtained a permit from the Board to operate as a wholesale drug distributor.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

(1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in

Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.

(2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

(3) The Respondent did not appear for the hearing and the hearing was held in the defendant's absence.

(4) The Respondent committed the violations as charged.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Respondent shall cease to do business as a reverse distributor in the State of Mississippi until it has secured a pharmaceutical drug facility permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of Five Hundred Dollars ($500.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of One Hundred Fifty Dollars ($150.00).
- The total monetary fee and cost of investigation shall be Six Hundred Fifty Dollars ($650.00) and shall be paid by money order or cashier's check.
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
IRC Jillian Foster, President	___	___	IRC
Larry Calvert, Vice-President	✓	___	___
J. Todd Barrett, Secretary	✓	___	___
Ronnie Bagwell	X	___	___
Ryan Harper	✓	___	___
Guy Phillips	___	___	___
IRC Tony Waits	___	___	IRC

On January 21, 2021, came on the matter of Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board member Guy Phillips was absent from the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

ANDREA W. HARRIS
5362 CAROLWOOD DR.
JACKSON, MS 39211

LICENSE TO PRACTICE PHARMACY NUMBER E-11894

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

PROCEEDINGS

Prior to the hearing beginning, Ms. Harris requested a continuance until the next Board meeting date. Ms. Harris stated that her attorney, Judy Barnett, has a personal family matter come up and was unable to attend the hearing on the scheduled date.

A motion to continue the hearing until March 25, 2021, with no further continuances to be considered, was passed by the Board. Board members Jillian Foster, Todd Barrett, Tony Waits and Larry Calvert for in favor of the motion. Board members Ryan Harper and Ronnie Bagwell voted against the motion. Board member Guy Phillips was absent from the hearing.

ORDER OF THE BOARD

The administrative hearing for Andrea W. Harris, License to Practice Pharmacy, Certificate of Registration Number E-11894, originally scheduled for January 21, 2021 is rescheduled for March 25, 2021. The hearing shall be held at 9:00 a.m. in the office of the Board in the UBS Building at 6360 I-55 North, Suite 400, Jackson, Mississippi. This Order shall serve as the official notice of the rescheduled hearing.

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On January 21, 2021, came on the matter of Foothills Professional Pharmacy, Permit to Operate a Pharmacy Number 18086/7.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Guy Phillips was not present for the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

FOOTHILLS PROFESSIONAL PHARMACY
4545 E. CHANDLER BLVD. #100
PHOENIX, AZ 85048

PERMIT TO OPERATE AS A PHARMACY NUMBER 18086/7.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Foothills Professional Pharmacy, Permit to Operate a Pharmacy Number 18086/7.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Foothills Professional Pharmacy, Permit to Operate a Pharmacy Number 18086/7.1, is alleged to have committed the following violations:

Violation of Mississippi Pharmacy Practice Regulations ARTICLE XXXI, COMPOUNDING GUIDELINES, Paragraph 1:

1. GENERAL PROVISIONS

   A. **Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.**
      i. To obtain a compounding certificate, an applicant must complete a compounding certificate application.
      ii. A compounding certificate will expire when the pharmacy permit expires and can be renewed at the time a pharmacy permit is renewed.
      iii. Compounding, without obtaining the compounding certificate, shall be grounds for disciplinary action.
      iv. Every pharmacy that engages in compounding shall submit a compounding statistical report to the Board on or about January 31st of each year on a form prescribed by the Board.
      v. Failure to submit the report as required by this regulation shall be grounds for disciplinary action.

Specifically, Foothills Professional Pharmacy shipped compounded prescriptions to patients in Mississippi without obtaining the required compounding certificate.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

(1) That the Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law;

(2) That the Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 18086/7.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated;

(3) That the Respondent committed the violation as charged.

FINAL ORDER OF THE BOARD

This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained on file in the office of the Board.

- Pursuant to Section 73-21-103 (l)(b), Foothills Professional Pharmacy, Permit to Operate a Pharmacy Number 18086/7.1 is revoked.
- The Board denies the Respondent's application for a compounding certificate.
- Pursuant to Section 73-21-103 (l)(d)(i), Respondent shall pay the sum of Five Hundred Dollars ($500.00) as a monetary penalty for the 1st compounded prescription shipped into Mississippi without a compounding certificate.
- Pursuant to Section 73-21-103 (l)(d)(ii), Respondent shall pay the sum of Five Thousand Dollars ($5000.00) as a monetary penalty for every other compounded prescription shipped into Mississippi without a compounding certificate. (The Respondent shipped forty-six (46) additional compounded prescriptions into Mississippi. The monetary penalty on these prescriptions is Two Hundred Thirty Thousand Dollars ($230,000.00)).
- Any monetary penalty above Fifty Thousand Dollars ($50,000.00) is suspended. The Fifty Thousand Dollars ($50,000.00) monetary penalty is due and payable in the office of the Board within thirty (30) days of receipt of this Order.

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ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
IRC Jillian Foster, President			IRC
Larry Calvert, Vice-President	✓		
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	✓		
Ryan Harper	✓		
Guy Phillips			
IRC Tony Waits			IRC

Came on January 21, 2021, the matter of Wallace Rushing, Pharmacist Certificate of Registration Number E-06511, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

WALLACE RUSHING
714 MARION BLVD.
FOREST, MS 39074

LICENSE TO PRACTICE PHARMACY NUMBER E-06511

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

On April 21, 2009, Petitioner voluntarily surrendered his pharmacist license due to misappropriation of prescription drugs and controlled substances from the community pharmacy where he worked. Petitioner requests the Board reinstate his license. The Board heard testimony concerning the treatment and recovery of Petitioner.

ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, all members of the Board present voted to reinstate the Petitioner's license pursuant to all regulation requirements.

Prior to renewing his pharmacist license, Petitioner must:

- Obtain an intern registration and work as an intern for a Board approved pharmacist and site for (20) clock hours for each year that he has been without a valid license. Petitioner must provide a record from the supervising pharmacist showing satisfactory completion of two hundred forty (240) hours as an intern.
- Provide proof of fifteen (15) hours of continuing education.
- Satisfactorily pass the MPJE.

In addition, the Petitioner shall comply with the following conditions:

- The Petitioner shall enter into a seven (7) year Board approved contract with the Mississippi Association of Recovering Pharmacists (MARP) and comply with all terms of that contract. A copy of the contract shall be provided to the Mississippi Board of Pharmacy.
- The Petitioner shall be subject to the following conditions and restrictions indefinitely:
    - Petitioner shall abstain from the use of alcohol or the unauthorized use of controlled substances or other habit-forming legend drugs.
    - Petitioner shall not take any mood-altering drug which has not been prescribed for him.
    - Petitioner shall immediately inform the Board in writing (by email or fax) of all medications prescribed for him, stating the name of the drug, the number and

strength of the doses prescribed, the dosage regimen and the name and registration number of the prescriber.

- The Petitioner shall submit a urine specimen, serum specimen or hair sample when requested by the Board or any agent of the Board of Pharmacy.
- Petitioner shall keep the Board informed at all times as to the place of his employment as a Pharmacist and any change in residential address.
- Petitioner shall submit a written quarterly report (on a form prescribed by the Board) to the Board, due the first week of January, April, July and October, detailing his personal and professional well-being.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
Jillian Foster, President	✓		
Larry Calvert, Vice-President	✓		
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	X		
Ryan Harper	✓		
Guy Phillips			
Tony Waits	X		

Came on January 21, 2021, the matter of Shauronda M. Wright, Pharmacy Technician Applicant Certificate of Registration Number PT-222841, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

SHAURONDA M. WRIGHT
5610 SHAW ROAD, APT. 821
JACKSON, MS 39209

PHARMACY TECHNICIAN REGISTRATION PT-222841

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

The Mississippi Board of Pharmacy reviewed the application of Petitioner with respect to her criminal history and prior drug usage.

ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, all members of the Board present voted to approve the pharmacy technician application of the Petitioner subject to her meeting all other requirements to be registered.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

REST OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
Jillian Foster, President	✓		
Larry Calvert, Vice-President	✓		
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	✓		
Ryan Harper	✓		
Guy Phillips			
Tony Waits	X		

Shauronda Wright PT-222841

Came on January 21, 2021, the matter of Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

BRETT J. BALDERSON
5671 LILES LANE
OLIVE BRANCH, MS 38654

LICENSE TO PRACTICE PHARMACY NUMBER E-010433

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

On November 19, 2020, the Board held an administrative hearing concerning charges filed against the Petitioner's license. Petitioner did not appear at the hearing and the hearing was held in Petitioner's absence. Petitioner's license was revoked. Petitioner requests the Board to reconsider the revocation order.

ACTION OF THE BOARD

Evidence was presented to the Board concerning this matter. A motion to table the petitioner's request until such time as the Petitioner can obtain an addiction evaluation and present the evaluation report to the Board was voted upon by the Board. All members present voted in favor of the motion except board member Larry Calvert who voted against the motion.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

ORDERED AND AGREED TO, this the 21st day of January 2021.

	AYE	NAY	RECUSE
Jillian Foster, President	✓		
Larry Calvert, Vice-President		✓	
J. Todd Barrett, Secretary	✓		
Ronnie Bagwell	X		
Ryan Harper	✓		
Guy Phillips			
Tony Waits	X		

Came on January 21, 2021, the matter of Douglas Richard, Intern/Extern Applicant Certificate of Registration Number IE-8992, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

DOUGLAS RICHARD
6804 MARTINIQUE DRIVE
BILOXI, MS 39532

INTERN/EXTERN REGISTRATION IE-8992

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

The Petitioner has requested the Mississippi Board of Pharmacy to issue him an intern/extern registration so that he can obtain the required practical experience to take the NAPLEX. The Petitioner could not produce a Certificate of Graduation from a Pharmacy School and his application had been denied by staff.

ACTION OF THE BOARD

After being presented evidence on this matter, no motions were presented to the Board. Due to no action being taken by the Board on this matter, the Petitioner's request is denied.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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Came on January 21, 2021, the matter of Robin Bauer, Pharmacist Certificate of Registration Number E-06171, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

ROBIN BAUER
25025 HWY 15
UNION, MS 39365

LICENSE TO PRACTICE PHARMACY NUMBER E-06171

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

On November 17, 2014, Petitioner voluntarily surrendered his pharmacist license. There were pending charges before the Board alleging violations of Board regulations and the Mississippi Pharmacy Practice Act at the time of Petitioner's surrender of his license. Petitioner requests the Board reinstate his license. The Board heard testimony concerning the Petitioner's reason for requesting reinstatement of his license and the prior history of charges against his license.

ACTION OF THE BOARD

There were no motions were presented to the Board. Due to no action being taken by the Board on this matter, the Petitioner's request is denied.

A certified copy of this ORDER shall be served on the Petitioner and maintained in the office of the Board.

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