

MISSISSIPPI BOARD OF PHARMACY MINUTES

November 18-19, 2020

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Wednesday, November 18, 2020 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. The following members were present: Jillian Foster - President, John T. Barrett - Secretary, Guy Phillips, James L. Calvert - Vice-President, Ryan Harper, Ronnie Bagwell and Tony Waits.

The Board was given a presentation from the Ethics Commission concerning conflict of interest, open meetings, executive sessions and ethics opinions. Michael Watson, Mississippi Secretary of State, addressed the Board on operation of the Occupational Licensing Review Commission. Additionally, the State Auditor's office made a presentation on travel, lodging, per diem reimbursements and the responsibilities of the Board concerning oversight of the agency's budget.

The Board held discussions on various topics including regulations, policies, operations of the Board and evaluation of staff. The meeting adjourned at 2:30 p.m. and re-convened at 9:00 a.m. on Thursday, November 19, 2020. All members of the Board were present for the session held on Thursday, November 19, 2020.

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 September 17, 2020 of the Mississippi Board of Pharmacy.
- ❖ IRC Schedule and Board Meeting Dates
- ❖ Requests for approval of the following pharmacy continuing education programs:
 - PROGRAM NUMBER: 009-018-020-001, **"Lunch and Learn: Genitourinary Health"**, as requested by Laurny Easley for 1 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER: 009-029-020-001, **"Assessment and Management of Acute Agitation in Adult Patient"**, as requested by Madison Gray for 1 clock hour of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER: 009-030-020-001, **"Certified Diabetes Care and Education Specialists Preparatory Course (October 7-9 2020)"**, as requested by Susan Hart for 9.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 009-030-020-002, **"DIR Fee Mitigation"**, as requested by Robert Dozier for 2 clock hours of pharmacist continuing education credit.
- PROGRAM NUMBER: 009-030-020-003, **"Title Exposed: How Data Unlocked the PBM Black Box"**, as requested by Robert Dozier for 2.5 clock hours of pharmacist continuing education credit.
- PROGRAM NUMBER: 009-030-020-004, **"Cognitive Services & Class Substitution"**, as requested by Robert Dozier for 1.5 clock hours of pharmacist continuing education credit.
- PROGRAM NUMBER: 010-012-020-001, **"Massive Transfusions: Thromboelastographs and Blood Pressure Administration"**, as requested by Alex Craig for 1 clock hour of pharmacist continuing education credit.
- PROGRAM NUMBER: 010-009-020-001, **"Death by Sugar: How DKA can take you down"**, as requested by Mallory Slay for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 010-015-020-001, **"The Road to Recovery: Understanding and Treating Addiction"**, as requested by Grace Orman for 1 clock hour of Opioid/Addiction pharmacist continuing education credit.
- PROGRAM NUMBER: 010-015-020-002, **"Cracking Down on Drug Diversion"**, as requested by Grace Orman for 0.5 clock hours of Opioid/Addiction pharmacist continuing education credit.
- PROGRAM NUMBER: 010-016-020-001, **"The "Kid"neys Grow Up So Fast: A Renal System Overview"**, as requested by Brett Lambert for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 010-021-020-001, **"Giving Diabetes the Blues"**, as requested by Julia Woods for 2 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 010-021-020-002, **"Go PO: Stepdown Oral Therapy for Staph, Aureus Bacteremia"**, as requested by Ruigi Fenq for 1 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 010-029-020-001, **"SGLT2 Inhibitors in Heart Failure"**, as requested by Lindsey Lepard for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 010-030-020-001, **"Controlled Substance Prescribing Updates and Treatment Strategies"**, as requested by Paula Hinson for 2 clock hours of LIVE and Opioid/Addiction pharmacist continuing education credit.
- PROGRAM NUMBER: 011-002-020-001, **"DSCSA"**, as requested by Todd Barrett for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 011-006-020-001, **"Comparison of Novel And Longstanding Potassium Binding Agents"**, as requested by MPHA for 2 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 011-013-020-001, **"Vaccination Explanation"**, as requested by Lauryn Easley for 1 clock hour of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER: 011-013-020-002, **“Opioid Abuse Trends and Use Disorders”**, as requested by Robert Dozier for 2 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER: 011-016-020-001, **“Medication Management of Diabetes Mellitus and Psychiatric Conditions”**, as requested by Grace Orman for 1 clock hour of LIVE pharmacist continuing education credit.

❖ Approval of Issuance of Pharmacists Licenses

❖ Waive Staff Renewal Fees

❖ Consultant Waiver Requests:

- Cheryl Kendrick

CONCLUSION OF CONSENT AGENDA

EXECUTIVE DIRECTOR REPORT

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

REGULATION WORKING GROUP

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

- Article I Licensure (see attached)
Without objection, the Board approved its intent to adopt the amendment as final and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.
- Article II Pharmacy Board Examination (see attached)
Without objection, the Board approved its intent to adopt 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 intent to adopt 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 intent to adopt 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 intent to adopt 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 intent to adopt 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 intent to adopt 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 intent to adopt the proposed amendment and directed the staff to proceed with adoption pursuant to the Administrative Procedures Act.

GENERAL BUSINESS

There was no general business conducted at this meeting.

RESPONDENTS

Tangela M. Green, Pharmacy Technician Registration Number PT-010468
After an administrative hearing on this matter, the Board issued the attached Order.

Kylie L. Wood, Pharmacy Technician Registration Number PT-215913
After an administrative hearing on this matter, the Board issued the attached Order.

Melody W. Allen, License to Practice Pharmacy, Certificate of Registration Number E-08029
After an administrative hearing on this matter, the Board issued the attached Order.

James S. Hux, License to Practice Pharmacy, Certificate of Registration Number E-08103
After an administrative hearing on this matter, the Board issued the attached Order.

Brighton B.N. Abebe, License to Practice Pharmacy, Registration Number T-15957
After an administrative hearing on this matter, the Board issued the attached Order.

Specialized Clinical Pharmacy, Permit to Operate as a Pharmacy, Permit Number 16761/1.1
After an administrative hearing on this matter, the Board issued the attached Order.

Advantage Medical & Pharmaceutical LLC, Permit to Operate as a Medical Equipment Supplier, Permit Number 07727/11.1

After an administrative hearing on this matter, the Board issued the attached Order.

Flash Returns, LLC, an unpermitted reverse distributor

After an administrative hearing on this matter, the Board issued the attached Order.

Getwell Pharmacy of Tennessee, Permit to Operate as a Pharmacy, Permit Number 17567/1.2

After an administrative hearing on this matter, the Board issued the attached Order.

Matthew L. Loftin, Pharmacist Certificate of Registration Number E-010877

The Board accepted the voluntary surrender of his license. See the attached Order.

Phantastic Pharmacy, Permit to Operate as a Pharmacy, Permit Number 17506/7.1

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 issued the attached Order.

Destiny M. Davis, Pharmacy Technician Registration Number PT-222973

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

The Board rejected a settlement proposal and the hearing was rescheduled to January 21, 2021.


PETITIONERS

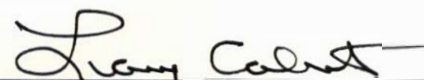
Marcus D. Kendall, Pharmacist Certificate of Registration Number T-010833

Kendall petitioned the Board to remove prior discipline from his record. After a hearing and deliberation, the Board tabled the request until an Attorney General's opinion can be obtained regarding the authority of the Board to act on this matter.

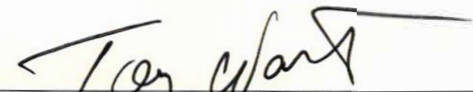
The Board adjourned at 3:11 p.m.


These November 18-19, 2020, MINUTES of the Board are hereby approved this the 21st day of January 2021.


Jillian Foster, President


James L. Calvert, Vice-President


J. Todd Barrett, Secretary


Tony Waits



Ryan Harper



Ronnie Bagwell

Guy Phillips

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

ARTICLE I LICENSURE

A license for the practice of pharmacy shall be obtained from the Mississippi Board of Pharmacy by all persons prior to their engaging in the practice of pharmacy in this state and every pharmacist licensed in this state shall keep the Board informed as to his/her current mailing address and place of employment.

1. To obtain a license to engage in the practice of pharmacy by examination, the applicant shall:
 - A. Have submitted a written application on the 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. Have graduated and received a degree from a school or college of pharmacy accredited by the American Council on Pharmaceutical Education or as approved by the Board;
 - D. Have successfully passed an examination approved by the Board;
 - E. Have submitted documented evidence of the required practical experience;
 - F. Have paid the initial licensure fee (not to exceed two-hundred dollars (\$200.00)).
2. To obtain a license to engage in the practice of pharmacy by licensure transfer, the applicant shall:
 - A. Have submitted an application on the Official Application for Transfer of Pharmacist Licensure Form of the National Association of Boards of Pharmacy;
 - B. Have graduated and received a degree from a school or college of pharmacy accredited by the American Council on Pharmaceutical Education or as approved by the Board;
 - C. At the discretion of the Board, appear before the Board of Pharmacy for a personal interview;
 - D. Have successfully passed an examination approved by the Board;
 - E. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;
 - F. Present to the Board proof that the license(s) granted to the applicant by any other state has not been suspended, revoked, canceled, surrendered, or otherwise restricted for any reason;
 - G. Have paid the initial licensure fee not to exceed two-hundred dollars (\$200.00).

No applicant shall be eligible for license transfer unless the state in which the applicant was licensed as a Pharmacist also grants licensure transfer to Pharmacists duly licensed by examination in this State, under like circumstances and conditions.

3. To obtain a license to engage in the practice of pharmacy, a foreign pharmacy graduate applicant shall obtain the National Association of Boards of Pharmacy's Foreign Pharmacy Graduate Examination Committee's certification which shall include, but not be limited to, successfully passing the Foreign Pharmacy Graduate Equivalency Examination and attaining a total score of at least 550 on the Test of English as a Foreign Language (TOEFL); and
 - A. Have submitted a written application on the 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. Have graduated and been granted a pharmacy degree from a college or school of pharmacy recognized and approved by the National Association of Boards of Pharmacy's Foreign Pharmacy Graduate Examination Committee;
 - D. May at the discretion of the Board appear before the Board of Pharmacy and demonstrate adequate spoken English Language skills;
 - E. Have paid all fees specified by the Board for examination;
 - F. Have successfully passed an examination approved by the Board;
 - G. Have completed sixteen hundred hours of extern/internship hours approved by the Board;
 - H. Have paid the initial licensure fee, not to exceed two-hundred dollars (\$200.00).
4. Pursuant to the Military Family Freedom Act:
- A. The Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application, the applicant satisfies the following conditions:
 - (a) Has been awarded a military occupational specialty, completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty of a pharmacist; or
 - (b) Holds a current and valid pharmacist license in another state for at least one (1) year; and
 - (c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice pharmacy in this state at the time the act was committed, the pharmacy board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by this Board; and
 - (d) Did not surrender a license because of negligence or intentional misconduct related to the applicant's work as a pharmacist in another state; and
 - (e) Does not have a complaint, allegation or investigation pending before a pharmacy board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, this Board shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of this Board; and
 - (f) Pays all required fees and complies with the all the procedures for licensure transfer as set forth in paragraph (2) of this Article. An applicant pursuant to section (A), subsection (a) of this paragraph shall not be required to comply with section (B) of paragraph (2) of this Article.
 - B. The Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all the following apply:
 - (a) The applicant has worked in a state that does not use a license to regulate the practice of pharmacy;
 - (b) The applicant has worked for at least three (3) years as a pharmacist; and
 - (c) The applicant satisfies the provisions of subsections (c) through (f) of paragraph (4) section (A) of this Article.

- C. The Board shall issue or deny a license to an applicant pursuant to the Military Family Freedom Act within one hundred twenty (120) days after receiving an application. If the application requires longer than two (2) weeks to process, the Board shall issue a temporary practice license within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of the Military Family Freedom Act and pays all applicable fees as required. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by this Board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to pass the MPJE.
 - D. Appeal of Board Decisions pursuant to the Military Family Freedom Act.
 - (a) An applicant may appeal any of the following decisions of the Board to a court of general jurisdiction:
 - (i) Denial of a license;
 - (ii) Determination of the occupation;
 - (iii) Determination of the similarity of the scope of practice of the license issued; or
 - (iv) Other determinations under this section.
 - (b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Board without regard to any previous determination that may have been made on the question in any action before the Board.
 - E. The Board shall prominently print the following on all license applications, any communication denying a license, and on the Board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize pharmacist licenses obtained from other states for military members and their families". The Board shall prepare and place on the Board's website an annual report detailing the number of applications submitted to the Board under the Military Family Freedom Act during a calendar year and the actions taken by the Board on the applications.
 - F. Nothing in this Article shall be construed to prohibit a military applicant, spouse or dependent from proceeding under the existing licensure requirements established by the Board.
- 5. 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. The examination shall consist of the North American Pharmacist Licensure Examination (NAPLEX) and the Multi-State Pharmacy Jurisprudence Examination (MPJE). 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 must make a score of at least seventy-five (75) on the NAPLEX and a score of at least seventy-five (75) on the MPJE to successfully pass the examination. A person who fails the examination may repeat the examination no more than four (4) times without permission from the Board. 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.
 - 6. A pharmacist that surrenders his/her license is no longer eligible to practice pharmacy without petitioning the Board to re-instate his/her license.

ARTICLE I LICENSURE

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 - B. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;
 - C. Have graduated and received a degree from a school or college of pharmacy accredited by the American Council on Pharmaceutical Education or as approved by the Board;
 - D. Have successfully passed an examination approved by the Board;
 - E. Have submitted documented evidence of the required practical experience;
 - F. Have paid the initial licensure fee (not to exceed two-hundred dollars (\$200.00)).
2. To obtain a license to engage in the practice of pharmacy by licensure transfer, the applicant shall:
 - A. Have submitted an application on the Official Application for Transfer of Pharmacist Licensure Form of the National Association of Boards of Pharmacy;
 - B. Have graduated and received a degree from a school or college of pharmacy accredited by the American Council on Pharmaceutical Education or as approved by the Board;
 - C. At the discretion of the Board, appear before the Board of Pharmacy for a personal interview;
 - D. Have successfully passed an examination approved by the Board;
 - E. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;
 - F. Present to the Board proof that the license(s) granted to the applicant by any other state has not been suspended, revoked, canceled, surrendered, or otherwise restricted for any reason;
 - G. Have paid the initial licensure fee not to exceed two-hundred dollars (\$200.00).

No applicant shall be eligible for license transfer unless the state in which the applicant was licensed as a Pharmacist also grants licensure transfer to Pharmacists duly licensed by examination in this State, under like circumstances and conditions.

3. To obtain a license to engage in the practice of pharmacy, a foreign pharmacy graduate applicant shall obtain the National Association of Boards of Pharmacy's Foreign Pharmacy Graduate Examination Committee's certification which shall include, but not be limited to, successfully passing the Foreign Pharmacy Graduate Equivalency Examination and attaining a total score of at least 550 on the Test of English as a Foreign Language (TOEFL); and
 - A. Have submitted a written application on the 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. Have graduated and been granted a pharmacy degree from a college or school of pharmacy recognized and approved by the National Association of Boards of Pharmacy's Foreign Pharmacy Graduate Examination Committee;
- D. May at the discretion of the Board appear before the Board of Pharmacy and demonstrate adequate spoken English Language skills;
- E. Have paid all fees specified by the Board for examination;
- F. Have successfully passed an examination approved by the Board;
- G. Have completed sixteen hundred hours of extern/internship hours approved by the Board;
- H. Have paid the initial licensure fee, not to exceed two-hundred dollars (\$200.00).

4. Pursuant to the Military Family Freedom Act:

- A. The Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application, the applicant satisfies the following conditions:
 - (a) Has been awarded a military occupational specialty, completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty of a pharmacist; or
 - (b) Holds a current and valid pharmacist license in another state for at least one (1) year; and
 - (c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice pharmacy in this state at the time the act was committed, the pharmacy board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by this Board; and
 - (d) Did not surrender a license because of negligence or intentional misconduct related to the applicant's work as a pharmacist in another state; and
 - (e) Does not have a complaint, allegation or investigation pending before a pharmacy board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, this Board shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of this Board; and
 - (f) Pays all required fees and complies with the all the procedures for licensure transfer as set forth in paragraph (2) of this Article. An applicant pursuant to section (A), subsection (a) of this paragraph shall not be required to comply with section (B) of paragraph (2) of this Article.
- B. The Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all the following apply:
 - (a) The applicant has worked in a state that does not use a license to regulate the practice of pharmacy;
 - (b) The applicant has worked for at least three (3) years as a pharmacist; and
 - (c) The applicant satisfies the provisions of subsections (c) through (f) of paragraph (4) section (A) of this Article.
- C. The Board shall issue or deny a license to an applicant pursuant to the Military Family Freedom Act within one hundred twenty (120) days after receiving an application. If the

application requires longer than two (2) weeks to process, the Board shall issue a temporary practice license within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of the Military Family Freedom Act and pays all applicable fees as required. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by this Board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to pass the MPJE.

D. Appeal of Board Decisions pursuant to the Military Family Freedom Act.

(a) An applicant may appeal any of the following decisions of the Board to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

(b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Board without regard to any previous determination that may have been made on the question in any action before the Board.

E. The Board shall prominently print the following on all license applications, any communication denying a license, and on the Board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize pharmacist licenses obtained from other states for military members and their families". The Board shall prepare and place on the Board's website an annual report detailing the number of applications submitted to the Board under the Military Family Freedom Act during a calendar year and the actions taken by the Board on the applications.

F. Nothing in this Article shall be construed to prohibit a military applicant, spouse or dependent from proceeding under the existing licensure requirements established by the Board.

5. 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. The examination shall consist of the North American Pharmacist Licensure Examination (NAPLEX) and the Multi-State Pharmacy Jurisprudence Examination (MPJE). 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 must make a score of at least seventy-five (75) on the NAPLEX and a score of at least seventy-five (75) on the MPJE to successfully pass the examination. A person who fails the examination may repeat the examination no more than four (4) times without permission from the Board. 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.
6. A pharmacist that surrenders his/her license is no longer eligible to practice pharmacy without petitioning the Board to re-instate his/her license.

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

ARTICLE II PHARMACY BOARD EXAMINATION

REPEALED

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

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.

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 ~~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.

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 have an identifier indicating the name of the pharmacist initiating/modifying the prescription. The protocol shall be limited to non-scheduled drugs.

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~~
5. The prescription/drug order for any drug dispensed under a protocol shall have an identifier indicating 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.

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.

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.

Came on November 19, 2020, the matter of Tangela M. Green, Pharmacy Technician Registration Number PT-010468, 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 and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

TANGELA M. GREEN
P.O. BOX 147
VICKSBURG, MS 39181

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-010468

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Tangela M. Green, Pharmacy Technician Registration Number PT-010468, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Tangela M. Green, Pharmacy Technician Registration Number PT-010468, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

The theft or embezzlement of prescription drugs, controlled substances, medical devices, or funds from a permitted facility.

Specifically, Green admitted to processing fraudulent prescription returns from the Walgreens in Vicksburg where she worked and keeping the money. Green surrendered her pharmacy technician registration on August 19, 2020.

FINDINGS OF FACT

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

- (1) That the "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated;
- (2) That the Respondent has been afforded all due process required by law;
- (3) That the Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-010468, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated;
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia;
- (5) That the Respondent committed the violation as charged; and
- (6) That the Respondent voluntarily surrendered her pharmacy technician registration.

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.

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-010468;
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-010468 is revoked;
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least two (2) years from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay and the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of Two Hundred Fifty Dollars (\$250.00) shall be paid by the Respondent prior to the reinstatement of her registration.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

Tangela Green PT-010468

Came on November 19, 2020, the matter of Kylie L. Wood, Pharmacy Technician Registration Number PT-215913, 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 and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

KYLIE L. WOOD
2180 CRABAPPLE DRIVE
TUPELO, MS 38801

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-215913

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Kylie L. Wood, Pharmacy Technician Registration Number PT-215913, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Kylie L. Wood, Pharmacy Technician Registration Number PT-215913, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

The theft or embezzlement of prescription drugs, controlled substances, medical devices, or funds from a permitted facility.

Specifically, Wood admitted to diverting Alprazolam, Diazepam and Tramadol from Walmart in Tupelo where she worked. Wood surrendered her pharmacy technician registration on September 10, 2020.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-215913, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered her pharmacy technician registration.

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.

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-215913.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-215913 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least five (5) years from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay and the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of Two Hundred Fifty Dollars (\$250.00) shall be paid by the Respondent prior to the reinstatement of her registration.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

Kylie Wood PT-215913

Came on November 19, 2020, the matter of Melody W. Allen, License to Practice Pharmacy, Certificate of Registration Number E-08029, 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 and did not participate in this hearing. Board Member Ryan Harper recused himself from the hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

MELODY W. ALLEN
6020 ZERO ROAD
MERIDIAN, MS 39301

LICENSE TO PRACTICE PHARMACY NUMBER E-08029

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Melody W. Allen, License to Practice Pharmacy, Certificate of Registration Number E-08029, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Melody W. Allen, License to Practice Pharmacy, Certificate of Registration Number E-08029, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 M:

The unlawful or unauthorized possession or use of a controlled substance.

Specifically, Allen was in possession of controlled substances from several prescriptions that belonged to other people, specifically Adderall, Vyvanse, Clorazepate and Phentermine. Allen surrendered her pharmacist license on September 1, 2020.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacist license by the Board, License to Practice Pharmacy, Certificate of Registration Number E-08029, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent committed the violation as charged.
- (5) The Respondent voluntarily surrendered her pharmacist license.

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.

- The Board officially accepts the voluntary surrender of License to Practice Pharmacy, Certificate of Registration Number E-08029.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-08029 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his license. The Board will not consider a petition for reinstatement of this license until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay and the cost of investigation and conduct of a proceeding in the amount of Six Hundred Fifty Dollars (\$650.00).
- The total monetary penalty and cost of investigation in the amount of Six Hundred Fifty Dollars (\$650.00) shall be paid by the Respondent prior to the reinstatement of her license.

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ORDERED AND AGREED TO, this the 19th day of November 2020

	AYE	NAY	RECUSE
<u>IRC</u> Ronnie Bagwell	<u> </u>	<u> </u>	<u>IRC</u>
<u>J. Todd Barrett, Secretary</u>	<u>✓</u>	<u> </u>	<u> </u>
<u>Larry Calvert Vice President</u>	<u>✓</u>	<u> </u>	<u> </u>
<u>William Foster, President</u>	<u>✓</u>	<u> </u>	<u> </u>
<u>Ryan Harper</u>	<u> </u>	<u> </u>	<u>✓</u>
<u>IRC</u> Guy Phillips	<u> </u>	<u> </u>	<u>IRC</u>
<u>Tony Waits</u>	<u>X</u>	<u> </u>	<u> </u>

Melody Allen E-08029

Came on November 19, 2020, the matter of James S. Hux, License to Practice Pharmacy, Certificate of Registration Number E-08103, 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 and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

JAMES S. HUX
3760 T R LANE SE
BOGUE CHITTO, MS 39629

LICENSE TO PRACTICE PHARMACY NUMBER E-08103

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of James S. Hux, License to Practice Pharmacy, Certificate of Registration Number E-08103, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

James S. Hux, License to Practice Pharmacy, Certificate of Registration Number E-08103, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

The theft or embezzlement of prescription drugs, controlled substances, medical devices, or funds from a permitted facility.

Specifically, Hux admitted to taking Norco from the Southwest Regional Medical Center pharmacy (Permit Number 00847/3.1) in McComb, MS where he worked. Hux surrendered his pharmacist license on August 19, 2020.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacist license by the Board, License to Practice Pharmacy, Certificate of Registration Number E-08103, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered his pharmacist license.

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.

- The Board officially accepts the voluntary surrender of License to Practice Pharmacy, Certificate of Registration Number E-08103.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-08103 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his license. The Board will not consider a petition for reinstatement of this license until at least one (1) year from the date of Respondent's surrender.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay and the cost of investigation and conduct of a proceeding in the amount of Six Hundred Fifty Dollars (\$650.00).
- The total monetary penalty and cost of investigation in the amount of Six Hundred Fifty Dollars (\$650.00) shall be paid by the Respondent prior to the reinstatement of his license.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

James Hux E-08103

On November 19, 2020, came the matter of Brighton B.N. Abebe, License to Practice Pharmacy, Certificate of Registration Number T-15957, 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:

BRIGHTON B.N. ABEBE
75 CROSS CREEK PARKWAY
APT 4307
HATTIESBURG, MS 39402

LICENSE TO PRACTICE PHARMACY NUMBER T-15957

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Brighton B.N. Abebe, License to Practice Pharmacy, Certificate of Registration Number T-15957, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Brighton B.N. Abebe, License to Practice Pharmacy, Certificate of Registration Number T-15957, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 A (5):

A. Unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

- (5) Engaging in conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist, with proof of actual injury not having to be established.**

Specifically, Brighton B.N. Abebe, License to Practice Pharmacy, Certificate of Registration Number T-15957, falsified information on his curriculum vitae (CV), which deceived potential employers of his experience/qualifications as a pharmacist.

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) 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 license to practice pharmacy by the Board, Certificate of Registration Number T-15957, 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 does not contest the violation as charged; and,
- (4) That the Respondent agrees to the disciplinary action stated below as imposed by the Board.

FINAL ORDER OF THE BOARD

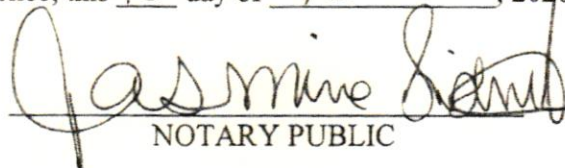
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- Pursuant to Section 73-21-103 (l)(d)(i), Respondent shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00);
- 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 Two Hundred Fifty Dollars (\$250.00).
- The total monetary settlement and cost of investigation shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00). The monetary settlement and cost of investigation shall be paid within thirty (30) days of receipt of this Order.
- Respondent shall also complete eight (8) hours of continuing education on professional ethics pursuant to a course that is submitted to and approved by the Board. Proof of the continuing education shall be submitted to the Board within ninety (90) days of this Order.

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


Brighton B.N. Abebe, Respondent

SUBSCRIBED AND SWORN TO, in my presence, this 15 day of 10, 2020.


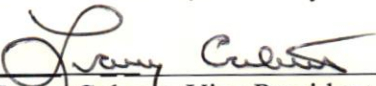
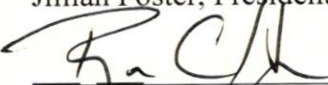
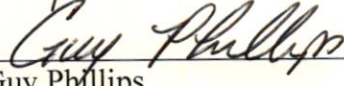
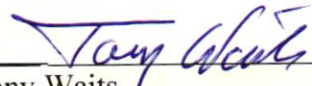

NOTARY PUBLIC

MY COMMISSION EXPIRES:

04/09/2023



ORDERED AND AGREED TO, this the 19th day of November 2020

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

Brighten B.N. Abebe T-15957

On September 17, 2020, came on the matter of Specialized Clinical Pharmacy, Permit to Operate as a Pharmacy, Permit Number 16761/1.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. The hearing was continued on November 19, 2020. Board members Jillian Foster and Todd Barrett did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

SPECIALIZED CLINICAL PHARMACY
P.O. BOX 1436
OXFORD, MS 38655

PERMIT TO OPERATE AS A PHARMACY NUMBER 16761/1.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Specialized Clinical Pharmacy, Permit to Operate as a Pharmacy, Permit Number 16761/1.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Specialized Clinical Pharmacy, Permit to Operate as a Pharmacy, Permit Number 16761/1.1, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1, A, 7:

- A. Unprofessional conduct. Unprofessional conduct shall include, but not be limited to:
 - 7. Failing to maintain complete and accurate records of all drugs received, dispensed or disposed of in compliance with the Federal laws and regulations and State laws, rules and regulations.

Specifically, pursuant to a request for records, Specialized Clinical Pharmacy, Permit to Operate as a Pharmacy, Permit Number 16761/1.1 was unable to produce the transaction information and/or transaction history for the drug product that the pharmacy received from EP Scripts Pharmacy in El Paso, Texas. The transaction history and transaction information are required to be maintained pursuant to the Drug Supply Chain Security Act (DSCSA), specifically Section 582(d)(1)(A) of the Federal Food, Drug, and Cosmetic Act (FD&C).

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 issued a permit to operate as a pharmacy by the Board, Permit Number 16761/1.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.
- (3) The Respondent committed the violation as charged in the Complaint.


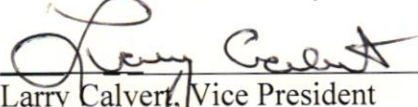
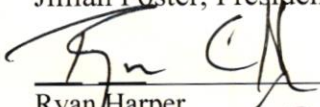


FINAL ORDER OF THE BOARD

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. All Board members participating in the hearing voted to approve this Order except Board member Ryan Harper, who voted against this Order.

- Pursuant to Section 73-21-103 (l)(d)(i), a fine of One Thousand Dollars (\$1,000.00) is imposed on the Respondent.
- Pursuant to Section 73-21-103 (l)(d)(iii), the cost of investigation of Five Hundred Dollars (\$500.00) is imposed on the Respondent.
- Pursuant to Section 73-21-103 (l)(g), this Order shall also serve as a Public Reprimand to the Respondent.

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ORDERED AND AGREED TO, this the 19th day of November 2020

	AYE	NAY	RECUSE
 _____ Ronnie Bagwell	<u> X </u>	_____	_____
<u>IRC</u> _____ J. Todd Barrett, Secretary	_____	_____	<u>IRC</u> _____
 _____ Larry Calvert, Vice President	<u> ✓ </u>	_____	_____
<u>IRC</u> _____ Jillian Foster, President	_____	_____	<u>IRC</u> _____
 _____ Ryan Harper	<u> Ø </u>	<u> X </u>	_____
 _____ Guy Phillips	<u> X </u>	_____	_____
 _____ Tony Waits	<u> X </u>	_____	_____

On November 19, 2020, came on the matter of Advantage Medical & Pharmaceutical LLC, Permit to Operate as a Medical Equipment Supplier, Permit Number 07727/11.1, 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 Todd Barrett served on the Investigative Review Committee and did not participate in this hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

ADVANTAGE MEDICAL &
PHARMACEUTICAL LLC
6375 HWY 98 WEST – SUITE 40
HATTIESBURG, MS 39402

PERMIT TO OPERATE AS A MEDICAL EQUIPMENT SUPPLIER NUMBER 07727/11.1
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Advantage Medical & Pharmaceutical LLC, Permit to Operate as a Medical Equipment Supplier, Permit Number 07727/11.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Advantage Medical & Pharmaceutical LLC, Permit to Operate as a Medical Equipment Supplier, Permit Number 07727/11.1, 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 Code Annotated Section 73-21-97(1)(c)(i):

- (1) The board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit of any person upon one or more of the following grounds:
 - (c) Being found guilty by a court of competent jurisdiction of one or more of the following:
 - (i) A felony

Specifically, Glenn D. Beach, Jr. is listed as the responsible party for Advantage Medical & Pharmaceutical LLC, Permit to Operate as a Medical Equipment Supplier, Permit Number 07727/11.1. Glenn D. Beach, Jr. has plead guilty in federal court to one felony count of conspiracy to commit health care fraud and one felony count of conspiracy to commit money laundering and tax evasion.

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 issued a permit to operate as a medical equipment supplier by the Board, Permit Number 07727/11.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.
- (3) The Respondent committed the violation as charged.
- (4) The Respondent has severed all ties with Glenn D. Beach, Jr. and has a new designated representative for the permit.

FINAL ORDER OF THE BOARD


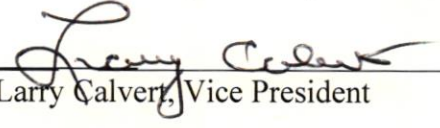
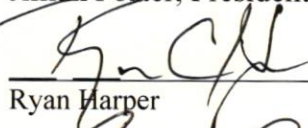

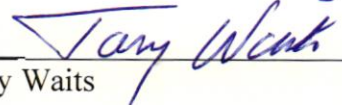
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained on file in the office of the Board. Pursuant to Section 73-21-103 (l)(d)(i), a monetary penalty of One Thousand Dollars (\$1000.00) is imposed on Respondent.

- Pursuant to Section 73-21-103 (l)(d)(iii), the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00) is imposed on Respondent.
- The total monetary penalty and cost of investigation shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00) and shall be payable to the Mississippi Board of Pharmacy within thirty (30) of receipt of this Order by Respondent.

All Board members participating voted in favor of this Order except Board member, Ronnie Bagwell, who voted against the Order.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

On November 19, 2020, came on the matter of Flash Returns, LLC, an unpermitted 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 Larry Calvert and Ryan Harper served on the Investigative Review Committee did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

FLASH RETURNS, LLC
340 GEST STREET
CINCINNATI, OH 45203

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 Flash Returns, LLC, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Flash Returns, LLC, is alleged to have committed the following violation:

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, Flash Returns, LLC, conducted business as a reverse distributor for Saltillo Pharmacy and Solutions, Pharmacy Permit No. 08851/1.1 on or about June 1, 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 did not appear for the hearing and the Board proceeded with the hearing in absentia.

- (3) The Respondent committed the violation as charged in the Complaint.

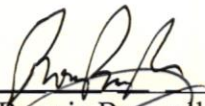
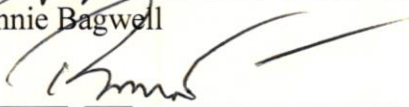
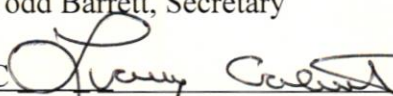
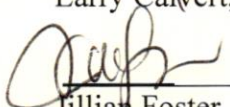
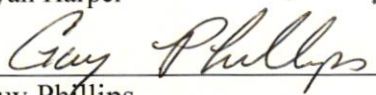
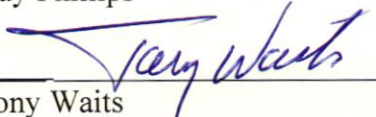
FINAL ORDER OF THE BOARD

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)(d)(i), a fine of One Thousand Dollars (\$1,000.00) is imposed on the Respondent.
- Pursuant to Section 73-21-103 (l)(d)(iii), the cost of investigation of Two Hundred Fifty Dollars (\$250.00) is imposed on the Respondent.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

Flash Returns

On November 19, 2020, came on the matter of Getwell Pharmacy of Tennessee, Permit to Operate as a Pharmacy, Permit Number 17567/1.2, 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 Todd Barrett served on the Investigative Review Committee did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

GETWELL PHARMACY OF
TENNESSEE
353 WEST BANKHEAD STREET
NEW ALBANY, MS 38652

PERMIT TO OPERATE AS A PHARMACY NUMBER 17567/1.2

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Getwell Pharmacy of Tennessee, Permit to Operate as a Pharmacy, Permit Number 17567/1.2, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Getwell Pharmacy of Tennessee, Permit to Operate as a Pharmacy, Permit Number 17567/1.2, 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 VII, RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC), Paragraph 3:

3. If the employment of a pharmacist-in-charge is terminated or if for any other reason he/she wishes to be relieved of the responsibilities of the PIC, he/she must:
 - A. Return the permit to the Mississippi Board of Pharmacy with written notice that he/she is no longer the pharmacist-in-charge for that facility and;
 - B. In accordance with the provision of paragraph 2 of ARTICLE XXV of the Regulations, send to the Board of Pharmacy an inventory of any controlled substances on hand at the facility at the time of his/her termination as pharmacist-in-charge.
 - C. When the relinquishing PIC cannot or does not comply with the inventory requirements of this paragraph it shall be the responsibility of the new PIC to send to the Board of Pharmacy an inventory of any controlled substances on hand at the time he/she assumes responsibility as PIC.

- D. The relinquishing PIC is responsible for notification of appropriate supervisors or owners of the surrender of the permit. When a permit is thus returned for a facility, application for a new permit for that facility must be made to the Mississippi Board of Pharmacy within ten (10) days.

Specifically, James Barry Robbins, Pharmacist License E-06448, notified the Board that he was no longer the pharmacist-in-charge of Getwell Pharmacy of Tennessee, Permit to Operate as a Pharmacy, Permit Number 17567/1.2, effective May 26, 2020. Getwell Pharmacy did not submit a PIC change within the time required by regulation.

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 did not appear for the hearing and the hearing was held in absentia.
- (3) The Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 17567/1.2, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent committed the violation as charged in the Complaint.


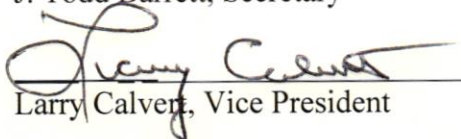
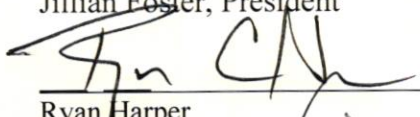
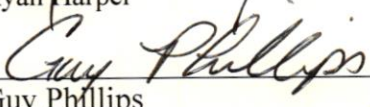
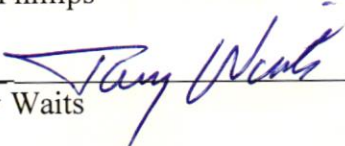
FINAL ORDER OF THE BOARD

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), Permit to Operate as a Pharmacy, Permit Number 17567/1.2 is revoked.
- Pursuant to Section 73-21-103 (l)(d)(i), Respondent is fined One Thousand Dollars (\$1,000.00).
- Pursuant to Section 73-21-103 (l)(d)(iii), the cost of investigation and conduct of a hearing in the amount of One Hundred Fifty Dollars (\$150.00) is imposed on the Respondent.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

Get Well Pharmacy of New Albany F-17567-1.2

Came on November 19, 2020, the matter of Matthew L. Loftin, Pharmacist Certificate of Registration Number E-010877, 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 and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

MATTHEW L. LOFTIN
6 BARLBY LANE
BELLA VISTA, AR 72714

LICENSE TO PRACTICE PHARMACY NUMBER E-10877

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Matthew L. Loftin, Pharmacist Certificate of Registration Number E-010877, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Matthew L. Loftin, Pharmacist Certificate of Registration Number E-010877, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1, A, 9:

A. Unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

9. **Obtaining any remuneration by fraud, misrepresentation, or deception**, including, but not limited to, receiving remuneration for amending or modifying, or attempting to amend or modify, a patient's pharmacist care services, absent a clear benefit to the patient, solely in response to promotion or marketing activities.

Specifically, on or about January 10, 2020, Loftin was arrested in Springdale, Arkansas for theft of property/shoplifting from several Walmart stores. Loftin had placed UPC barcode stickers for less expensive items over the actual UPC barcode stickers on items he purchased. He utilized the self-checkout registers. An internal investigation by Walmart identified \$4,050.92 worth of merchandise stolen by Loftin over a period of three to four weeks.

SETTLEMENT AND ORDER

Respondent failed to appear for his hearing but submitted a "Voluntary Agreement and Order of Surrender of License" to the Board. The Board accepted the surrender and agreed to the Order attached.

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ORDERED AND AGREED TO, this the 19th day of November 2020

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

Matthew Loftin E-010877

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

**IN THE MATTER OF
MATTHEW LOUIS LOFTIN
PHARMACIST E-010877**

**VOLUNTARY AGREEMENT AND ORDER OF
SURRENDER OF LICENSE**

On this 17th day of NOVEMBER, 2020, **MATTHEW LOUIS LOFTIN** (hereafter "Respondent") states:

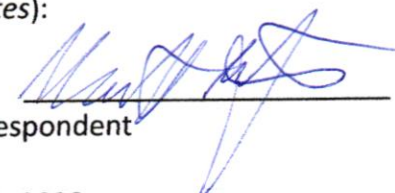
1. I hold a pharmacist license from the Mississippi State Board of Pharmacy ("the Board"). The Board has an open disciplinary case against me for alleged violations of Mississippi pharmacy laws and regulations.
2. I do not admit to any wrongdoing or liability in connection to the open disciplinary case. However, in lieu of a hearing or other disciplinary action against me, I wish to surrender my pharmacist registration, effective immediately, until I can gain Board approval to return to my pharmacist duties.
3. By signing this document, I agree from this date forward I will not practice as a pharmacist and will not be physically present in a prescription department in any pharmacy in the state of Mississippi. I understand that the Board must decide to accept my surrender before it will be final.
4. I agree to immediately send my certificate and any other documentation evidencing my registration to the Board office.
5. Respondent agrees to this order for the purpose of preserving the pendency of this matter without further administrative proceedings at this time. Respondent fully understands and agrees that the Board may review the voluntary order of surrender and other information relevant to Respondent and it will determine whether to initiate additional administrative proceedings against Respondent if Respondent violates the voluntary agreement and order of surrender of License. Respondent agrees that the Board shall retain jurisdiction of this matter for the purposes of implementation and enforcement of this voluntary agreement and order of surrender of License and that any violation of this voluntary agreement and order of surrender of license shall constitute gross unprofessional or dishonorable conduct for which the Board may impose disciplinary action pursuant to Board regulations. The Respondent and the Board agree that this is a compromise by the parties to expeditiously address this matter and not an admission of any fact or liability.

6. This voluntary agreement and order of surrender of license and the Board's records in regard to this proceeding are public records that are available to the public pursuant to and subject to the exceptions of the Freedom of Information Act, A.C.A. § 25-19-101 et seq., and this consent order will be subject to the reporting requirements of Section 1128E of the Social Security Act, 42 U.S.C. § 1320a-7e.
7. Respondent has read the proposed voluntary agreement and order of surrender of license, acknowledges his right to consult with counsel and voluntarily agrees to enter into this voluntary agreement and order of surrender of license on his own volition in lieu of a hearing before the Board and without any reliance upon any representations by the Board or any officer, employee, agent or other representative.

IT IS THEREFORE ORDERED that:

1. Pharmacist License No. **E-010877** issued to **MATTHEW LOUIS LOFTIN** is surrendered to the Mississippi State Board of Pharmacy until such time as the Board shall make a determination of whether I may safely return to any pharmacist duties in the State of Mississippi.
2. The Respondent shall not:
 - a. Practice as a pharmacist in the State of Mississippi
 - b. Be physically present in the prescription department in any pharmacy in the State of Mississippi; or
 - c. be employed in any matter that would allow access to controlled substances in the State of Mississippi.

AGREED on this 17th day of NOVEMBER, 2020 (Respondent dates):


Respondent

ACCEPTED BY THE BOARD on _____ day of _____, 2020:

Executive Director
Mississippi State Board of Pharmacy

On November 19, 2020, came on the matter of Phantastic Pharmacy, Permit to Operate as a Pharmacy, Permit Number 17506/7.1, 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 did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

PHANTASTIC PHARMACY
4347 VAN NUYS BLVD
SHERMAN OAKS, CA 91403

PERMIT TO OPERATE AS A PHARMACY NUMBER 17506/7.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Phantastic Pharmacy, Permit to Operate as a Pharmacy, Permit Number 17506/7.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Phantastic Pharmacy, Permit to Operate as a Pharmacy, Permit Number 17506/7.1, 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 VII, RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC), Paragraph 3:

3. If the employment of a pharmacist-in-charge is terminated or if for any other reason he/she wishes to be relieved of the responsibilities of the PIC, he/she must:
 - A. Return the permit to the Mississippi Board of Pharmacy with written notice that he/she is no longer the pharmacist-in-charge for that facility and;
 - B. In accordance with the provision of paragraph 2 of ARTICLE XXV of the Regulations, send to the Board of Pharmacy an inventory of any controlled substances on hand at the facility at the time of his/her termination as pharmacist-in-charge.
 - C. When the relinquishing PIC cannot or does not comply with the inventory requirements of this paragraph it shall be the responsibility of the new PIC to send to the Board of Pharmacy an inventory of any controlled substances on hand at the time he/she assumes responsibility as PIC.
 - D. The relinquishing PIC is responsible for notification of appropriate supervisors or owners of the surrender of the permit. When a permit is thus returned for a facility,

application for a new permit for that facility must be made to the Mississippi Board of Pharmacy within ten (10) days.

Specifically, Leon Nguyen, Pharmacist License T-12776, notified the Board by fax on June 3, 2020 that he would no longer be the pharmacist-in-charge of Phantastic Pharmacy, Permit to Operate as a Pharmacy, Permit Number 17506/7.1. The fax was sent on June 3, 2020 but was dated March 31, 2020. Phantastic Pharmacy, Permit to Operate as a Pharmacy, Permit Number 17506/7.1, has not submitted an application for a new PIC within the time required by regulation.

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 did not appear for the hearing and the hearing was held in absentia.
- (3) The Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 17506/7.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent committed the violation as charged in the Complaint.

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), Permit to Operate as a Pharmacy, Permit Number 17506/7.1 is revoked.
- Pursuant to Section 73-21-103 (l)(d)(i), Respondent is fined Two Hundred Fifty Dollars (\$250.00).
- Pursuant to Section 73-21-103 (l)(d)(iii), the cost of investigation and conduct of a hearing in the amount of Two Hundred Fifty Dollars (\$250.00) is imposed on the Respondent.

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ORDERED AND AGREED TO, this the 19th day of November 2020

	AYE	NAY	RECUSE
<u>IRC</u>	_____	_____	<u>IRC</u>
Ronnie Bagwell	_____	_____	_____
<u>J. Todd Barrett, Secretary</u>	_____	_____	_____
<u>Larry Calvert, Vice President</u>	_____	_____	_____
<u>Jillian Foster, President</u>	_____	_____	_____
<u>Ryan Harper</u>	_____	_____	_____
<u>IRC</u>	_____	_____	<u>IRC</u>
Guy Phillips	_____	_____	_____
<u>Tony Waits</u>	_____	_____	_____

Came on November 19, 2020, the matter of Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433, 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 and did not participate in this hearing.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER 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 and person of Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Brett J. Balderson, License to Practice Pharmacy, Certificate of Registration Number E-010433, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 M:

The unlawful or unauthorized possession or use of a controlled substance.

Specifically, Balderson was stopped by the DeSoto County Sheriff's Office on March 5, 2019. A search of Balderson's vehicle uncovered four hydrocodone pills in a prescription bottle labeled as Levofloxacin with Balderson's name on it. Balderson did not have a prescription for hydrocodone. As a result, Balderson was charged with felony possession of a controlled substance. The criminal matter was remanded to a pretrial intervention program on September 2, 2020.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacist license by the Board, License to Practice Pharmacy, Certificate of Registration Number E-010433, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) 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 in the office of the Board.

- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-010433 is revoked.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 19th day of November 2020

	AYE	NAY	RECUSE
<u>IRC</u>			<u>IRC</u>
Ronnie Bagwell	<input checked="" type="checkbox"/>		
J. Todd Barrett, Secretary			
Larry Calvert, Vice President	<input checked="" type="checkbox"/>		
Jillian Foster, President	<input checked="" type="checkbox"/>		
Ryan Harper	<input checked="" type="checkbox"/>		
<u>IRC</u>			<u>IRC</u>
Guy Phillips			
Tony Waits	<input checked="" type="checkbox"/>		

Brett J. Balderson E-010433

Came on November 19, 2020, the matter of Destiny M. Davis, Pharmacy Technician Registration Number PT-222973, 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 and did not participate in this hearing.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

DESTINY M. DAVIS
603 VIDALIA DRIVE
RIDGECREST, LA 71334

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-222973

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Destiny M. Davis, Pharmacy Technician Registration Number PT-222973, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Destiny M. Davis, Pharmacy Technician Registration Number PT-222973, 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 XL PHARMACY TECHNICIANS, Paragraph 2:

2. PHARMACY TECHNICIAN REGISTRATION

Every person who intends to serve as a pharmacy technician must obtain a pharmacy technician registration from the Board.

Specifically, an inspection of Walgreen, Permit Number 06377/1.2, on August 7, 2020 revealed that Destiny Davis had been performing pharmacy technician duties without having the proper pharmacy technician registration.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.

- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-222973, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) 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 in the office of the Board.

- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-222973 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 19th day of November 2020

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

Destiny Davis PT-222973

Came on November 19, 2020, the matter of Marcus D. Kendall, Pharmacist Certificate of Registration Number T-010833, 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:

MARCUS D. KENDALL
1737 MATT SPRINGS DRIVE
LAWRENCEVILLE, GA 30045

LICENSE TO PRACTICE PHARMACY NUMBER T-010833

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 July 16, 2015, Petitioner's license was placed on probation for two years pursuant to the admission of theft of controlled substances. Petitioner requests the Board to remove the prior disciplinary action from his record so that he can find suitable employment. The Board heard testimony about the difficulties the Petitioner was having finding suitable employment.

ACTION OF THE BOARD

Board member Larry Calvert made a motion to enter executive session to deliberate on the Petitioner's request. The motion was seconded by board member Ryan Harper. The motion was approved unanimously. Board members deliberated in executive session. Board member Larry Calvert made a motion to enter open session and the motion was seconded by board member Todd Barrett. The motion was approved unanimously. The Board reported that no votes and no action were taken during executive session. It was reported that an opinion request had been sent to the Attorney General seeking advice as to whether the Board had authority to expunge disciplinary action from a pharmacist's record. The Board was still awaiting a response from the opinion request. The Board voted unanimously to table the Petitioner's request until the Board receives a response to the opinion request.

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