

# MISSISSIPPI BOARD OF PHARMACY

## MINUTES

September 16, 2021

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, September 16, 2021 at the Clyde Muse Center, 515 Country Place Parkway, Pearl, MS 39208. The following members were present: Larry Calvert – President, Guy Phillips – Vice-President, Jillian Foster, Ronnie Bagwell, Ryan Harper and Tony Waits. Board member Todd Barrett was absent.

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## CONSENT AGENDA

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

- ❖ The Agenda for this meeting and the Website Declaration of this meeting shall be placed in the minutes. See attached.
- ❖ Minutes for the July 15, 2021, of the Mississippi Board of Pharmacy.
- ❖ Requests for approval of the following pharmacy continuing education programs:
  - PROGRAM NUMBER 007-020-021-001, **“SARS-COV-2 Current Updates and Considerations for the Future”**, as requested by Jon Arnold for 1 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 007-028-021-001, **“Diabetes and Obesity”**, as requested by Sermin Aras for 0.75 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 007-028-021-002, **“Rural Health OR Population Health”**, as requested by Sermin Aras for 0.75 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 007-028-021-003, **“Sexual Health or Mental Health”**, as requested by Sermin Aras for 0.75 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 007-028-021-004, **“Youth Health Services”**, as requested by Sermin Aras for 0.75 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 007-028-021-005, **“COVID 19 Disparities”**, as requested by Sermin Aras for 0.75 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 007-028-021-006, **“Jackson Heart Study”**, as requested by Sermin Aras for 1 clock hour of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER N/A, **“MPHA Consultant Seminar”**, as requested by MPHA for a consultant certificate for pharmacists.
  - PROGRAM NUMBER 008-010-021-001, **“Let’s Get Updated (In Neurology)”**, as requested by Luke Pannell for 1 clock hours of LIVE pharmacist continuing education credit for opioids, drugs of abuse and addiction.

- PROGRAM NUMBER 008-016-021-001, "**Pulmonary Arterial Hypertension**", as requested by Giang Le for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-026-021-002, "**Non-Opioid Drugs of Abuse**", as requested by Logan Magana for 0.5 clock hour of LIVE pharmacist continuing education.
- PROGRAM NUMBER 008-026-021-003, "**MPHA 2021 Fall Journal**", as requested by MPHA for 2 clock hours of pharmacist continuing education credit.

❖ Approval of Issuance of Pharmacists Licenses

❖ Consultant Waiver Requests:

- Stephanie Hodges
- Bretta St. Romain

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## **NEW BUSINESS**

Colonel Steven Maxwell with the Mississippi Bureau of Narcotics made a presentation concerning the regulation of pill presses.

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## **EXECUTIVE DIRECTOR REPORT**

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

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## **REGULATION WORKING GROUP**

The Regulation Working Group presented the following regulation amendments for final approval. (See attached):

- ARTICLE XII: PRESCRIPTION/ORDER REQUIRED AND REFILL AUTHORIZATION/RECORDKEEPING
- ARTICLE XL: PHARMACY TECHNICIANS
- ARTICLE XLV: PHARMACY BENEFIT MANAGER

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## **GENERAL BUSINESS**

The Board voted unanimously to grant a waiver to allow the University of Mississippi Medical Center (UMMC) until March 16, 2022 to come into compliance with the pharmacist-in-charge



requirement of being on-site either twenty (20) hours per week or fifty per cent (50%) of the hours of operation, whichever is less for each permitted pharmacy at UMMC.

The Board heard a presentation on white bagging from Alexander Quesenberry, Baptist Cancer Center. The Board referred the matter to the regulation committee.

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## **RESPONDENTS**

Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1  
After an administrative hearing on this matter, the Board issued the attached Order.

KPC Promise Hospital Vicksburg, Pharmacy Permit Number 06025/3.1  
After an administrative hearing on this matter, the Board issued the attached Order.

Frenchie C. Russell, License to Practice Pharmacy, Certificate of Registration Number T-010482  
After an administrative hearing on this matter, the Board issued the attached Order.

Cassie F. Arnold, License to Practice Pharmacy, Certificate of Registration Number E-08216  
After an administrative hearing on this matter, the Board issued the attached Order.

Village Pharmacy, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

The Pharmacy, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

Mount Prospect Health Mart, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

Stateline Drugs, LLC, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

Mother's Pharmacy, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

La Farmacia, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

Curemed Pharmacy, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

Express Pharmacy, an unpermitted Non-Resident Pharmacy  
After an administrative hearing on this matter, the Board issued the attached Order.

AJ Nilkanth Gokul D/B/A Benzer Pharmacy, an unpermitted Non-Resident Pharmacy

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

A&W Pharmacy, an unpermitted Non-Resident Pharmacy

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

Congers Pharmacy, Inc., an unpermitted Non-Resident Pharmacy

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

D & B Discount Drugs, Inc., Pharmacy Permit Number 01593/1.1

An administrative hearing on this matter was begun and continued until the next board meeting on November 18, 2021.

Raymond Drug Store, Pharmacy Permit Number 00820/1.1

This matter was rescheduled for November 18, 2021.



## PETITIONERS

Cliff T. Hendley, Pharmacist Certificate of Registration Number E-12732

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

Erica Newburn, Intern/Extern Registration Number IE-8419

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

James S. Hux, Pharmacist Certificate of Registration Number E-08103

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

Kasprina Moton, Intern/Extern Registration Number IE-9160

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

Warren Strickland, Pharmacist Certificate of Registration Number E-05795

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

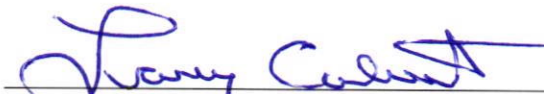
Rx Valet dba Shield PBM, License Number 140228

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

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The Board adjourned at 4:40 p.m.

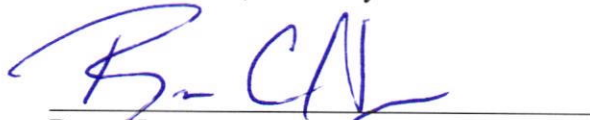
These September 16, 2021, MINUTES of the Board are hereby approved this the 18<sup>th</sup> day of November 2021.

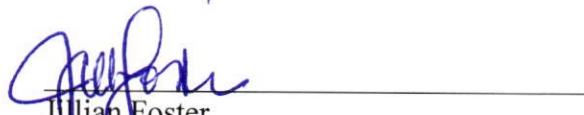
  
James L. Calvert, President

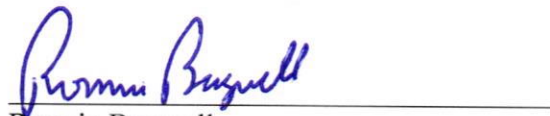
  
Guy Phillips, Vice-President

J. Todd Barrett, Secretary

  
Tony Waits

  
Ryan Harper

  
Julian Foster

  
Ronnie Bagwell

Came on September 16, 2021, the matter of Rx Valet dba Shield PBM, License Number 140228, 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 MATTER OF:

SHIELD PBM  
1580 ATKINSON ROAD  
LAWRENCEVILLE, GA 30043

LICENSE TO OPERATE AS A PHARMACY BENEFIT MANAGER

LICENSE NUMBER 140228

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Shield PBM, Shield PBM, License Number 140228, pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

The Mississippi Board of Pharmacy entered an Order on July 15, 2021 which imposed a monetary penalty on the license of the Petitioner and directed that that the monetary penalty be paid in twenty-four (24) monthly payments. Petitioner has requested the Board to modify its Order to allow the monetary penalty to be paid in forty-eight (48) monthly payments.

ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, all members of the Board present voted to approve the Petitioner's request and modify the prior Order as follows:

- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Hundred Ninety-Five Thousand Dollars (\$195,000.00). The monetary penalty shall be paid in forty-eight (48) monthly installments of Four Thousand Sixty-Two Dollars and Fifty Cents (\$4,062.50).

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

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Came on September 16, 2021, the matter of Cassie F. Arnold, License to Practice Pharmacy, Certificate of Registration Number E-08216, 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 Guy Phillips served on the Investigative Review Committee and did not participate in this hearing. Board member Todd Barrett was absent from the hearing.

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

IN THE MATTER OF:

CASSIE F. ARNOLD  
120 VETERANS DRIVE  
OXFORD, MS 38655

LICENSE TO PRACTICE PHARMACY NUMBER E-08216

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Cassie F. Arnold, License to Practice Pharmacy, Certificate of Registration Number E-08216, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Cassie F. Arnold, License to Practice Pharmacy, Certificate of Registration Number E-08216, is alleged to have committed the following violations:

1. Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 J:

**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.**

Specifically, Arnold was admitted to the Oxford Treatment Center in November 2019 for substance abuse.

2. Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 D:

**Fraud or intentional misrepresentation by a licensee, registrant or permit holder in securing the issuance or renewal of a license, registration or permit.**

Specifically, on December 2, 2019, Arnold completed her 2019 pharmacist license renewal application and indicated that she had never received inpatient or outpatient treatment for alcohol or drug abuse. Arnold was admitted to the Oxford Treatment Center in November 2019 for substance abuse.

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-08216, 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 but was represented by counsel.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered her pharmacist license.

#### FINAL ORDER OF THE BOARD

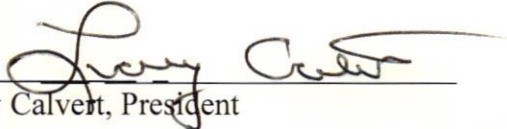
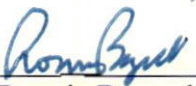
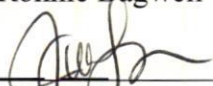
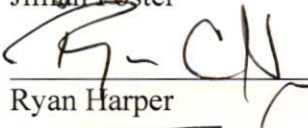
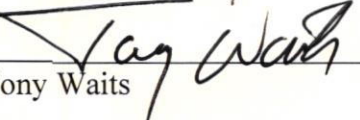
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- The Board officially accepts the voluntary surrender of License to Practice Pharmacy, Certificate of Registration Number E-08216.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-08216 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 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.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Cassie Arnold

E-08216

09-16-21

Came on September 16, 2021, the matter of Frenchie C. Russell, License to Practice Pharmacy, Certificate of Registration Number T-010482, 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 Guy Phillips served on the Investigative Review Committee and did not participate in this hearing. Board member Todd Barrett was absent from the hearing.

### **MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

FRENCHIE C. RUSSELL  
109 HERRING DRIVE  
RAYMOND, MS 39154

### LICENSE TO PRACTICE PHARMACY NUMBER T-010482

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Frenchie C. Russell, License to Practice Pharmacy, Certificate of Registration Number T-010482, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Frenchie C. Russell, License to Practice Pharmacy, Certificate of Registration Number T-010482, 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 1, A:

Authority. The PIC of the pharmacy shall be responsible for complete supervision, management and compliance with all federal and state pharmacy laws and regulations pertaining to the practice of pharmacy in the entire prescription department. He/She shall have the cooperation and support of all pharmacy staff in carrying out these responsibilities. The pharmacist-in-charge is responsible for assuring that all personnel are properly registered or licensed with the Board and that all pharmacy permits are current and appropriate for the type of pharmacy operation being conducted. A pharmacist shall not be the PIC at more than one Community Pharmacy or Institutional I Pharmacy (unless the Board grants a waiver upon presentation of good cause) and shall not be the pharmacist-in-charge or have personal supervision of more than one facility which is open to the general public on a full-time basis.



Mississippi Pharmacy Practice Regulations ARTICLE XXIII, RECORD KEEPING ON CONTROLLED SUBSTANCES, Paragraph 1:

1. Every facility permitted by the Board of Pharmacy shall keep complete and accurate records of the acquisition and disposition of all controlled substances. Records of acquisition must be maintained for a period of two (2) years. Records of disposition must be maintained for a period of six (6) years.

These records shall include:

- A. A current dated and signed inventory of all controlled substances on hand on the inventory date;
- B. Complete and accurate records of receipt of all controlled substances;
- C. Complete and accurate records of disposition of all controlled substances.

These records shall be kept in such a manner that an audit will show the beginning inventory and record of acquisition of controlled substances to balance with the controlled substances on hand and the record of disposition of controlled substances.

Specifically, an accountability audit of Take Care Pharmacy, Pharmacy Permit #15311/1.1, conducted by the Drug Enforcement Administration (DEA) on April 4, 2019 revealed that the controlled substance inventory was not complete and accurate as required by regulation. The audit revealed the following drug overages:

<u>Drug</u>	<u>Schedule</u>	<u>Overage</u>	<u>% Overage</u>
Promethazine w/COD Syrup	Schedule V	+36,117 ml	+12.07%
Hydrocodone 10/325mg Tabs	Schedule II	+1,238	+1.19%
Alprazolam .5mg Tabs	Schedule IV	+12	+.22%
Alprazolam 1.0mg Tabs	Schedule IV	+115	+.34%
Alprazolam 2.0mg Tabs	Schedule IV	+1,601	+10.53%
Oxy APAP 10/325mg Tabs	Schedule II	+1,843	+2.82%
Carisprodol Tabs	Schedule IV	+1,531	+4.44%

Frenchie C. Russell, Pharmacist Certificate of Registration Number T-010482, was the pharmacist-in-charge of Take Care Pharmacy, Pharmacy Permit #15311/1.1, and was responsible for maintaining complete and accurate inventory records.

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 T-010482, 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.

FINAL ORDER OF THE BOARD

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

- Pursuant to Section 73-21-103 (1)(d), Mississippi Code of 1972, Annotated, Respondent shall pay a monetary penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) and the cost of investigation and conduct of a proceeding in the amount of Eight Hundred Eighty-Seven Dollars and Sixty-Five Cents (\$887.65). The total monetary penalty shall be Three Thousand Three Hundred Eighty-Seven Dollars and Sixty-Five Cents (\$3,387.65) and shall be paid in twelve (12) monthly payments of Two Hundred Eighty-Two Dollars and Thirty Cents (\$282.30) beginning October 15, 2021.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Frenchie Russell

T-10482

09-16-21

Came on September 16, 2021, the matter of KPC Promise Hospital Vicksburg, Pharmacy Permit Number 06025/3.1, 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 Tony Waits served on the Investigative Review Committee and did not participate in this hearing. Board member Todd Barrett was absent from the hearing.

### MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

KPC PROMISE HOSPITAL VICKSBURG  
2100 HWY 61, N., 6<sup>TH</sup> FLOOR  
VICKSBURG, MS 39183

#### PERMIT TO OPERATE A PHARMACY NUMBER 06025/3.1

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of KPC Promise Hospital Vicksburg, Pharmacy Permit Number 06025/3.1, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

KPC Promise Hospital Vicksburg, Pharmacy Permit Number 06025/3.1, 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 2:

2. A permit for a pharmacy shall not be issued or renewed unless the pharmacist-in-charge is licensed in this state. If the pharmacist license of the pharmacist-in-charge becomes void or inactive due to surrender, revocation, suspension, restriction or for any other reason, application must be made for a new pharmacy permit by another pharmacist within fifteen (15) days. Failure to submit an application for a new PIC within fifteen (15) days shall render the permit inactive and the pharmacy shall cease doing business in the state until a new permit is issued to a new PIC.

Specifically, on March 30, 2021, Brooke Coffelt was terminated from her position as pharmacist-in-charge and any employment by KPC Promise Hospital of Vicksburg, Pharmacy Permit Number 06025/3.1 by the acting administrator of the facility. Brian Carter became the new pharmacist -in-charge of KPC Promise Hospital of Vicksburg, Pharmacy Permit Number 06025/3.1 on June 15, 2021. KPC Promise Hospital of Vicksburg did not replace the pharmacist-in-charge within the time required by the Mississippi Pharmacy Practice Regulations.



### 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 Permit to Operate a Pharmacy Number 06025/3.1, 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.

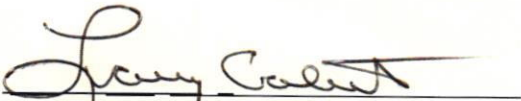
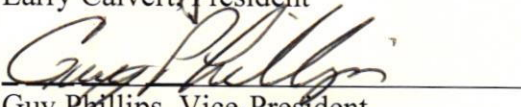


### FINAL ORDER OF THE BOARD

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

- Pursuant to Section 73-21-103 (1)(d), Mississippi Code of 1972, Annotated, Respondent shall pay a monetary penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) and the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00). The total monetary penalty shall be Seven Thousand Seven Hundred Fifty Dollars (\$7,750.00).

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

KPC Promise

F06025-03.1

09-16-21



Came on September 16, 2021, the matter of Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1, 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 Guy Phillips served on the Investigative Review Committee and did not participate in this hearing. Board member Todd Barrett was absent from the hearing.

### MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

VITAL CARE COMPOUNDER  
115 SOUTH 40TH AVENUE  
SUITE A  
HATTIESBURG, MS 39402

#### PERMIT TO OPERATE A PHARMACY NUMBER 16882/1.1

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1, is alleged to have committed the following violations:

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.**

#### **Count 1:**

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

**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.**

Specifically, an inspection of Meridian Surgery Center revealed that Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1, was shipping compounded human drug products to Meridian Surgery Center to be administered to patients. The compounded human



drug products were not sent to Meridian Surgery Center as patient specific medications pursuant to a valid prescription.

**Count 2:**

Mississippi Pharmacy Practice Regulations, ARTICLE XII PRESCRIPTION/ORDER REQUIRED AND REFILL AUTHORIZATION/RECORDKEEPING, Paragraph 1:

1. **Prescription drugs shall be dispensed only pursuant to a valid prescription or a valid order. A pharmacist shall not dispense a prescription which the pharmacist knows or should know is not a valid prescription. A Prescription Drug Order, to be effective, must be issued for a legitimate medical purpose by a Practitioner acting within the course of legitimate professional practice.**

Mississippi Pharmacy Practice Regulations definitions:

"Valid Prescription" or "Valid Order" shall mean one issued in compliance with applicable rules and regulations of the regulatory authority by an individual licensed or authorized to prescribe a product to be used by a named and identifiable individual for a bona fide medical purpose. To be valid in Mississippi, a prescription written in another state must be written so as to comply with the requirements of the regulatory authority of that state and with the requirements of the regulatory authority of this state. **A prescription which is written in code or for any other reason does not provide adequate information for the interpretation of the prescription and the safe dispensing of the drug product is not a valid prescription.** The dispensing of prescription drugs or controlled substances pursuant to prescription documents which the pharmacist knows or should know were issued by a practitioner when a valid practitioner/patient relationship did not exist are not valid prescriptions. A valid practitioner/patient relationship shall mean that the practitioner has obtained a thorough medical history and has conducted an appropriate physical and/or mental examination prior to the prescribing of any medication. Prescriptions or orders issued for the dispensing of medications on an out-patient basis in the absence of a physician/patient relationship in which a practitioner has not conducted an appropriate examination of the patient and established a diagnosis are not valid prescriptions.

Specifically, prescriptions are being filled by Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1 for Pledget's Ophthalmic which does not have a recipe (ingredient listing), quantity, or ratio of ingredients. This constitutes prescriptions written in code.

**Count 3:**

Mississippi Pharmacy Practice Regulations, ARTICLE XII PRESCRIPTION/ORDER REQUIRED AND REFILL AUTHORIZATION/RECORDKEEPING, Paragraph 9:

9. **A written prescription document prepared by the prescriber or his agent must bear an original signature of the prescriber, facsimile stamps are not acceptable. When an oral prescription or the oral authorization for the refilling of a prescription is received which is transmitted by someone other than the prescriber, the name of the transmitter and the date of the transmission must be**



**recorded on the original prescription document by the pharmacist receiving the transmission.**

Specifically, Vital Care Compounder, Permit to Operate as a Pharmacy, Permit Number 16882/1.1, dispensed medication pursuant to an oral prescription from the Meridian Surgery Center. A nurse from the surgery center transmitted the oral prescription to the pharmacy on behalf of Dr. John Mason. The nurse's name was not recorded on the prescriptions as required by the regulation.

#### 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 Permit to Operate a Pharmacy Number 16882/1.1, 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 violations as charged in Counts 1 and 3.

#### 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.

- Count 2 is dismissed.
- Pursuant to Section 73-21-103 (1)(d), Mississippi Code of 1972, Annotated, Respondent shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00) for each of the thirty compounded vials shipped to Meridian Surgery Center by the respondent for a total of Thirty Thousand Dollars (\$30,000.00). Fifteen Thousand Dollars (\$15,000.00) of the monetary penalty shall be held in abeyance on the condition that the Respondent does not commit any other violations.
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Six Hundred Eighty-Seven Dollars and Seven Cents (\$687.07).
- The total monetary penalty to be paid by the Respondent shall be Fifteen Thousand Six Hundred Eighty-Seven Dollars and Seven Cents (\$15,687.07).

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Vital Care Compounder

F16882-01.1

09-16-21



On September 16, 2021, came the matter of A&W Pharmacy, 171 E. Main Street, Duchesne, UT 84021, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

A&W PHARMACY  
171 E. MAIN STREET  
DUCHESNE, UT 84021

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of A&W Pharmacy, 171 E. Main Street, Duchesne, UT 84021, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

A&W Pharmacy is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on December 14, 2020, A&W Pharmacy, 171 E. Main Street, Duchesne, UT 84021, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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

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

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

- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

A & W Pharmacy

09-16-21

On September 16, 2021, came the matter of AJ Nilkanth Gokul D/B/A Benzer Pharmacy (Downtown Pharmacy), 219 Dewey Ave, Poteau, OK 74953, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

AJ NILKANTH GOKEL  
D/B/A BENZER PHARMACY  
DOWNTOWN PHARMACY  
219 DEWEY AVE  
POTEAU, OK 74953

### **PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR**

#### **JURISDICTION**

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of AJ Nilkanth Gokul D/B/A Benzer Pharmacy (Downtown Pharmacy), 219 Dewey Ave, Poteau, OK 74953, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### **STATEMENT OF CHARGES**

AJ Nilkanth Gokul D/B/A Benzer Pharmacy (Downtown Pharmacy) is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on December 17, 2020, and December 18, 2020, AJ Nilkanth Gokul D/B/A Benzer Pharmacy (Downtown Pharmacy), 219 Dewey Ave, Poteau, OK 74953, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.



### FINDINGS OF FACT

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

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

AJ Nikanth Gokuel (DBA Benzer)

09-16-21



On September 16, 2021, came the matter of Congers Pharmacy, Inc., d/b/a Community Care Pharmacy, 15 South Rt. 303, Congers, NY 10920, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

CONGERS PHARMACY, INC.  
DBA COMMUNITY CARE PHARMACY  
15 SOUTH RT. 303  
CONGERS, NY 10920

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Congers Pharmacy, Inc., d/b/a Community Care Pharmacy, 15 South Rt. 303, Congers, NY 10920, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Congers Pharmacy, Inc., d/b/a Community Care Pharmacy, is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on December 14, 2020, December 15, 2020, and December 16, 2020, Congers Pharmacy, Inc., d/b/a Community Care Pharmacy, 15 South Rt. 303, Congers, NY 10920, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

### FINDINGS OF FACT

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

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Congers Pharmacy

09-16-21

On September 16, 2021, came the matter of Curemed Pharmacy, 353 Crooks Avenue, Clifton, NJ 07011, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

CUREMED PHARMACY  
353 CROOKS AVENUE  
CLIFTON, NJ 07011

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Curemed Pharmacy, 353 Crooks Avenue, Clifton, NJ 07011, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Curemed Pharmacy is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on September 29, 2020, October 2, 2020, October 5, 2020, October 15, 2020 and October 22, 2020, Curemed Pharmacy, 353 Crooks Avenue, Clifton, NJ 07011, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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

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



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

- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Curemed Pharmacy

09-16-21



On September 16, 2021, came the matter of Express Pharmacy, 3330 Peachtree Corners Circle, Suite G, Norcross, GA 30092, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

EXPRESS PHARMACY  
3330 PEACHTREE CORNERS CIRCLE  
SUITE G  
NORCROSS, GA 30092

### **PHARMACEUTICAL DRUG FACILITY** **PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR**

#### **JURISDICTION**

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Express Pharmacy, 3330 Peachtree Corners Circle, Suite G, Norcross, GA 30092, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### **STATEMENT OF CHARGES**

Express Pharmacy is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on December 11, 2020, December 14, 2020 and December 16, 2020, Express Pharmacy, 3330 Peachtree Corners Circle, Suite G, Norcross, GA 30092, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### **FINDINGS OF FACT**

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

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Express Pharmacy

09-16-21

On September 16, 2021, came the matter of La Farmacia, 3675 Boca Chica Blvd., Suite C, Brownsville, TX 78521, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

LA FARMACIA  
3675 BOCA CHICA BLVD, SUITE C  
BROWNSVILLE, TX 78521

### **PHARMACEUTICAL DRUG FACILITY** **PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR**

#### **JURISDICTION**

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of La Farmacia, 3675 Boca Chica Blvd., Suite C, Brownsville, TX 78521, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### **STATEMENT OF CHARGES**

La Farmacia is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on August 7, 2020, and December 15, 2020, La Farmacia, 3675 Boca Chica Blvd., Suite C, Brownsville, TX 78521, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### **FINDINGS OF FACT**

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



- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

La Farmacia

09-16-21



On September 16, 2021, came the matter of Mother's Pharmacy, 6350 Davis Blvd., Unit 1002, Naples, FL 34104, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

MOTHER'S PHARMACY  
6350 DAVIS BLVD., UNIT 1002  
NAPLES, FL 34104

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Mother's Pharmacy, 6350 Davis Blvd., Unit 1002, Naples, FL 34104, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Mother's Pharmacy is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on December 3, 2020, December 11, 2020, December 15, 2020, December 17, 2020 and December 18, 2020, Mother's Pharmacy, 6350 Davis Blvd., Unit 1002, Naples, FL 34104, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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

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

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

- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Mother's Pharmacy

09-16-21

On September 16, 2021, came the matter of Mount Prospect Health Mart, 1012 S. Elmhurst Road, Mt. Prospect, IL 60056, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

MOUNT PROSPECT HEALTH MART  
1012 S. ELMHURST ROAD  
MT. PROSPECT, IL 60056

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Mount Prospect Health Mart, 1012 S. Elmhurst Road, Mt. Prospect, IL 60056, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Mount Prospect Health Mart is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on December 1, 2020 and December 14, 2020, Mount Prospect Health Mart, 1012 S. Elmhurst Road, Mt. Prospect, IL 60056, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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



- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Mt. Prospect Health Mart

09-16-21



On September 16, 2021, came the matter of Stateline Drugs, LLC, 301 Main Avenue, Lemmon, SD 57638, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

STATELINE DRUGS, LLC  
D/B/A SMITH'S DRUG  
301 MAIN AVENUE  
LEMMON, SD 57638

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Stateline Drugs, LLC, 301 Main Avenue, Lemmon, SD 57638, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Stateline Drugs is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on October 7, 2020, and December 14, 2020, Stateline Drugs, LLC, 301 Main Avenue, Lemmon, SD 57638, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Stateline Drugs DBA Smith's Drugs

09-16-21

On September 16, 2021, came the matter of The Pharmacy, 15041 MacCorkle Avenue, Cabin Creek, WV 25035, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

THE PHARMACY  
15041 MACCORKLE AVENUE  
CABIN CREEK, WV 25035

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of The Pharmacy, 15041 MacCorkle Avenue, Cabin Creek, WV 25035, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

The Pharmacy is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on November 6, 2020, December 14, 2020, December 15, 2020, December 16, 2020 and December 17, 2020, The Pharmacy, 15041 MacCorkle Avenue, Cabin Creek, WV 25035, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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

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



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

- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

The Pharmacy

09-16-21



On September 16, 2021, came the matter of Village Pharmacy, 1336 League Line Road, Suite 100, Conroe, TX 77304, an unpermitted Non-Resident Pharmacy, 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 Guy Phillips served on the Investigative Review Committee (IRC) and did not participate in the hearing. Board member Todd Barrett was absent from the hearing.

## **BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE MATTER OF:

VILLAGE PHARMACY  
1336 LEAGUE LINE ROAD  
SUITE 100  
CONROE, TX 77304

### PHARMACEUTICAL DRUG FACILITY PERMIT TO OPERATE AS A WHOLESALE DISTRIBUTOR

#### JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Village Pharmacy, 1336 League Line Road, Suite 100, Conroe, TX 77304, an unpermitted Non-Resident Pharmacy, pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.

#### STATEMENT OF CHARGES

Village Pharmacy is alleged to have committed a violation of:

Mississippi Code Annotated Section 73-21-105:

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 of this 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. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

Specifically, on October 16, 2020, December 15, 2020, and December 17, 2020, Village Pharmacy, 1336 League Line Road, Suite 100, Conroe, TX 77304, sold prescription drugs to North Halstead, a virtual wholesaler, Drug Facility Permit 17534/16.4 located in Mississippi, without obtaining a drug facility permit from the Mississippi Board of Pharmacy.

#### FINDINGS OF FACT

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

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent did not appear for the hearing and the hearing was held in the Respondent's absence.
- (4) 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.

- Respondent shall cease shipping drugs into the State of Mississippi until it has secured a permit from the Board.
- Pursuant to Section 73-21-103 (1)(d)(vii), Respondent shall pay a monetary fee in the amount of One Thousand Dollars (\$1,000.00)
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Five Hundred Dollars (\$500.00).
- The total monetary fee and cost of investigation shall be One Thousand Five Hundred Dollars (\$1,500.00).
- Respondent shall not be issued a permit until the costs imposed by this order are paid in full.

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Village Pharmacy

09-16-21

Came on September 16, 2021, the matter of Kasprina Moton, Intern/Extern Registration Number IE-9160, 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:

KASPRINA MOTON  
15 HENRY ROSSER DRIVE  
INDIANOLA, MS 38751

INTERN/EXTERN REGISTRATION IE-9160

JURISDICTION

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

PROCEEDINGS

The Petitioner has requested the Mississippi Board of Pharmacy to extend the intern/extern registration so that she can continue to work while studying to take the MPJE.

ACTION OF THE BOARD

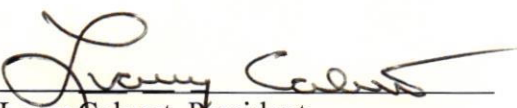
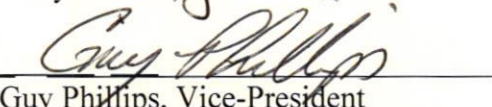
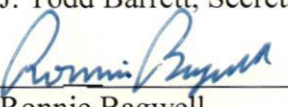
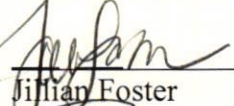
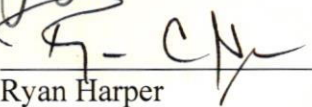
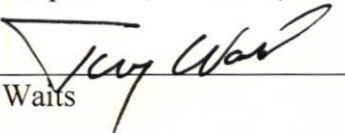
After being presented evidence on this matter, the Board granted the Petitioner's request and extended her intern/extern registration for six months.

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

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Kasprina Moton

09-16-21

Came on September 16, 2021, the matter of Warren Strickland, Pharmacist Certificate of Registration Number E-05795, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy. Board member Todd Barrett was absent from the hearing.

**BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE PETITION OF:

WARREN STRICKLAND  
PO BOX 1619  
703 FRONT STREET N.  
RICHTON, MS 39476

LICENSE TO PRACTICE PHARMACY NUMBER E-05795

JURISDICTION

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

PROCEEDINGS

The Mississippi Board of Pharmacy entered an Order on September 20, 2018, which reinstated the license of the Petitioner under probation and a ten (10) year MARP contract. Petitioner has requested the Board to remove probation from his license and remove the MARP contract requirement.

The Board heard evidence that the probation on Petitioner's license and the requirements of the MARP contract was hindering him from participating in family activities and attending church services.

ACTION OF THE BOARD

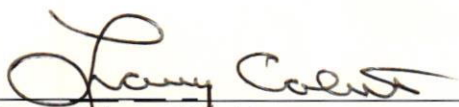
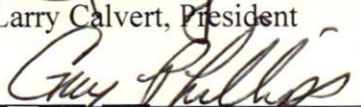
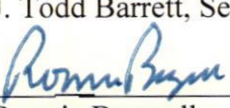
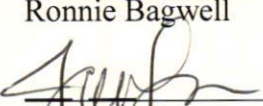
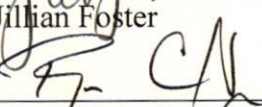
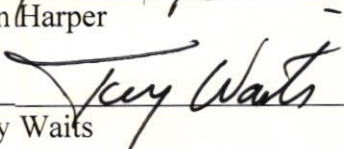
Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to remove the probation from the Petitioner's license and to reduce his MARP contract to five (5) years but to leave all other terms of the September 20, 2018, Order effective. The MARP contract will expire on September 19, 2023. Board member Ryan Harper dissented in the vote. All other Board members presented voted affirmative.

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

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Warren Strickland

E-05795

09-16-21

Came on September 16, 2021, the matter of Cliff T. Hendley, Pharmacist Certificate of Registration Number E-12732, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy. Board member Todd Barrett was absent from the hearing.

**BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE PETITION OF:

CLIFF T. HENDLEY  
431 DOWDLE DRIVE  
COLUMBUS, MS 39702

LICENSE TO PRACTICE PHARMACY NUMBER E-12732

JURISDICTION

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

PROCEEDINGS

The Mississippi Board of Pharmacy entered an Order on November 21, 2019, accepting the surrender of Petitioner's pharmacist license, License to Practice Pharmacy, Certificate of Registration Number E-12732, and revoking that license for the unauthorized use of a controlled substance. Petitioner has requested the Board to reinstate his license. The Board heard evidence concerning the Petitioner's treatment and ability to function as a pharmacist.

ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to reinstate License to Practice Pharmacy, Certificate of Registration Number E-12732 with the following conditions:

- The Petitioner shall enter into a ten (10) year Board approved contract with the Mississippi Association of Recovering Pharmacists (MARF) and comply with all terms of that contract. Any change in contract terms must be approved by the Board. A copy of the contract shall be provided to the Mississippi Board of Pharmacy.
- The Petitioner shall be subject to the following conditions and restrictions indefinitely:
  - Petitioner shall abstain from the use of alcohol or the unauthorized use of controlled substances or other habit-forming legend drugs.
  - Petitioner shall not take any mood-altering drug which has not been prescribed for him.
  - Petitioner shall immediately inform the Board in writing (by email or fax) of all medications prescribed for him, stating the name of the drug, the number and strength of the doses prescribed, the dosage regimen and the name and registration number of the prescriber.
  - The Petitioner shall submit a urine specimen, serum specimen or hair sample when requested by the Board or any agent of the Board of Pharmacy.
  - Petitioner shall keep the Board informed at all times as to the place of his employment as a Pharmacist and any change in residential address.

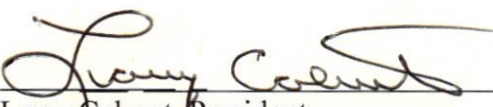
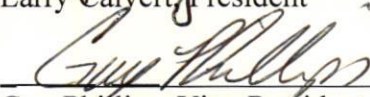

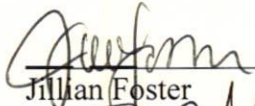
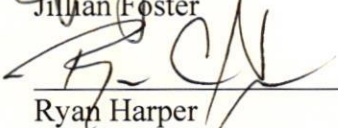
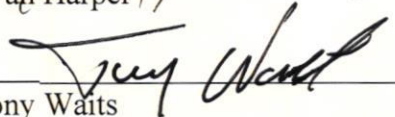


- Petitioner shall submit a written quarterly report (on a form prescribed by the Board) to the Board, due the first week of January, April, July and October, detailing his personal and professional well-being.

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

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

Cliff Hendley

E-12732

09-16-21



Came on September 16, 2021, the matter of James S. Hux, Pharmacist Certificate of Registration Number E-08103, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy. Board member Todd Barrett was absent from the hearing.

**BEFORE THE MISSISSIPPI BOARD OF PHARMACY**

IN THE PETITION 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 pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

PROCEEDINGS

The Mississippi Board of Pharmacy entered an Order on November 19, 2020, accepting the surrender of Petitioner's pharmacist license, License to Practice Pharmacy, Certificate of Registration Number E-08103, and revoking that license. Petitioner has requested the Board to reinstate his license. The Board heard evidence concerning the Petitioner's treatment and ability to function as a pharmacist.

ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to reinstate License to Practice Pharmacy, Certificate of Registration Number E-08103 with the following conditions:

- The Petitioner shall enter into a ten (10) year Board approved contract with the Mississippi Association of Recovering Pharmacists (MARF) and comply with all terms of that contract. Any change in contract terms must be approved by the Board. A copy of the contract shall be provided to the Mississippi Board of Pharmacy.
- The Petitioner shall be subject to the following conditions and restrictions indefinitely:
  - Petitioner shall abstain from the use of alcohol or the unauthorized use of controlled substances or other habit-forming legend drugs.
  - Petitioner shall not take any mood-altering drug which has not been prescribed for him.
  - Petitioner shall immediately inform the Board in writing (by email or fax) of all medications prescribed for him, stating the name of the drug, the number and strength of the doses prescribed, the dosage regimen and the name and registration number of the prescriber.
  - The Petitioner shall submit a urine specimen, serum specimen or hair sample when requested by the Board or any agent of the Board of Pharmacy.
  - Petitioner shall keep the Board informed at all times as to the place of his employment as a Pharmacist and any change in residential address.

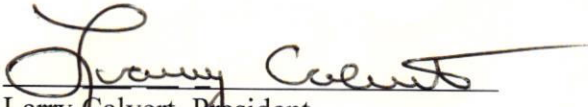
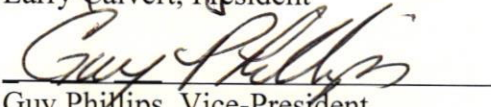
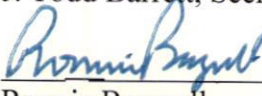
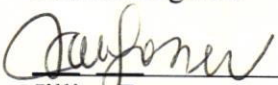
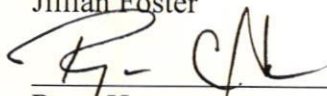

- Petitioner shall submit a written quarterly report (on a form prescribed by the Board) to the Board, due the first week of January, April, July and October, detailing his personal and professional well-being.
- Petitioner shall pay the monetary penalty of Six Hundred Fifty Dollars (\$650.00) which was imposed by the November 21, 2019 Board Order.

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

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

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

James Steven Hux

E-08103

09-16-21

Came on September 16, 2021, the matter of Erica Newburn, Intern/Extern Registration Number IE-8419, 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:

ERICA NEWBURN  
650 DOGWOOD HILLS LANE  
GALLION, AL 36742

INTERN/EXTERN REGISTRATION IE-8419

JURISDICTION

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

PROCEEDINGS

The Petitioner has requested the Mississippi Board of Pharmacy to extend the intern/extern registration so that she can continue to work while studying to take the NAPLEX.

ACTION OF THE BOARD

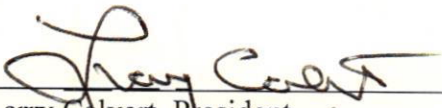
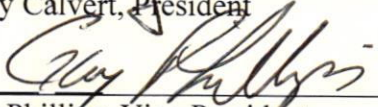
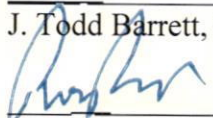
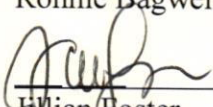
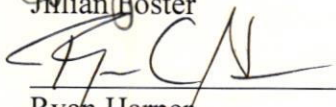
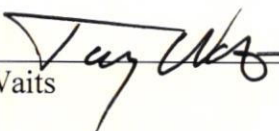
After being presented evidence on this matter, the Board granted the Petitioner's request and extended her intern/extern registration until April 30, 2022 and granted permission to retake the NAPLEX.

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

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ORDERED AND AGREED TO, this the 16<sup>th</sup> day of September 2021.

	AYE	NAY	RECUSE
 Larry Calvert, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Guy Phillips, Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. Todd Barrett, Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Erica Newburn

IE-08419

09-16-21

**Mississippi Board of Pharmacy**  
**September 16, 2021**

**AGENDA**

**I. CALL TO ORDER/ESTABLISH A QUORUM**

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

**II. CONSENT AGENDA & WEBSITE DECLARATION**

- **APPROVE AND SIGN MINUTES**
- **CONTINUING EDUCATION REQUEST**
- **APPROVE ISSUANCE OF PHARMACIST LICENSES**
- **Consultant Waiver Requests**
  - **Brandy Pickel**
  - **Brian Bain**
  - **Lucy D. Bain**
- **TRAVEL REQUESTS-**
  - **NASCSA- October 24-28 San Antonio, TX Todd, Sid, Stephanie, Dana and Board Members**
  - **NADDI National Meeting- November 9-12 St. Pete Beach, FL Todd, Susan and Board Members**
- **Jackson Free Clinic**
- **Shield PBM Payment Plan Revision**
- **2021 Board Meeting Dates through June 2022**

**III. NEW Business**

- **Colonel Steven Maxwell-MBN- Pill Press Discussion**



#### **IV. EXECUTIVE DIRECTOR REPORT**

#### **V. REGULATION WORKING GROUP**

- **ARTICLE XII: PRESCRIPTION/ORDER REQUIRED AND REFILL AUTHORIZATION/RECORDKEEPING**
- **ARTICLE XL: PHARMACY TECHNICIANS**
- **ARTICLE XLV: PHARMACY BENEFIT MANAGER**

#### **VI. GENERAL BUSINESS**

- **Zachary Sommers-UMC**
- **Alexander Quesenberry-BAPTIST**
- **MARP Update**

#### **VII. RESPONDENTS**

- |  |                   |
|--|-------------------|
| • <b>Cassie Arnold</b>                         | <b>Respondent</b> |
| • <b>Frenchie Russell</b>                      | <b>Respondent</b> |
| • <b>KPC Promise</b>                           | <b>Respondent</b> |
| • <b>Vital Care Compounder</b>                 | <b>Respondent</b> |
| • <b>D &amp; B Discount Drugs</b>              | <b>Respondent</b> |
| • <b>Raymond Drug Store</b>                    | <b>Respondent</b> |
| • <b>A &amp; W Pharmacy</b>                    | <b>Respondent</b> |
| • <b>AJ Nikanth Gokeul(DBA Benzer)</b>         | <b>Respondent</b> |
| • <b>Congers Pharmacy</b>                      | <b>Respondent</b> |
| • <b>Curemed Pharmacy</b>                      | <b>Respondent</b> |
| • <b>Express Care Pharmacy</b>                 | <b>Respondent</b> |
| • <b>La Farmacia</b>                           | <b>Respondent</b> |
| • <b>Mother's Pharmacy</b>                     | <b>Respondent</b> |
| • <b>Mt Prospect Health Mart</b>               | <b>Respondent</b> |
| • <b>Stateline Drug, Inc DBA Smith's Drugs</b> | <b>Respondent</b> |
| • <b>The Pharmacy</b>                          | <b>Respondent</b> |

- Village Pharmacy

**Respondent**

**VIII. PETITIONERS.**

- Kasprina Moton
- Warren Strickland
- Cliff Hendley
- James Steven Hux
- Erica Newburn

**Petitioner**

**Petitioner**

**Petitioner**

**Petitioner**

**Petitioner**



# NOTICE DETAILS

## NOTICE DETAILS

**State Agency:** Pharmacy Board

**Public Body:** Pharmacy Board

**Title:** Board Meeting

**Subject:** Board Meeting

**Date and Time:** 9/16/2021 9:00:00 AM

**Description:**

Due to the increase in COVID cases this meeting will be held at the Clyde Muse Center at Hinds Community College Rankin Campus.

**Back**

## MEETING LOCATION

515 Country Place Parkway  
Pearl MS 39208

Map this! (<http://maps.google.com/?q=515 Country Place Parkway, Pearl, MS, 39208>)

## CONTACT INFORMATION

Todd Dear  
601-899-8880  
[tdear@mbp.ms.gov](mailto:tdear@mbp.ms.gov) (<mailto:tdear@mbp.ms.gov>)

Charlene Williams  
601-899-8880  
[cwilliams@mbp.ms.gov](mailto:cwilliams@mbp.ms.gov) (<mailto:cwilliams@mbp.ms.gov>)

Susan McCoy  
601-899-8880  
[smccoy@mbp.ms.gov](mailto:smccoy@mbp.ms.gov) (<mailto:smccoy@mbp.ms.gov>)

## DOWNLOAD ATTACHMENTS SUBSCRIPTION OPTIONS

Subscription options will send you alerts regarding future notices posted by this public body.

## ABOUT

Mississippi's State Agencies are required to post notices of regular meetings on the Mississippi Public Meeting Notices Website. The statute establishing this website is in Mississippi Code Section A 025-0041-0013 and may be viewed by clicking here (<http://billstatus.ls.state.ms.us/2013/pdf/history/SB/SB2070.xml>).

Legislation (<http://billstatus.ls.state.ms.us/2013/pdf/history/SB/SB2070.xml>)

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(<http://www.ms.gov>)



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

**ARTICLE XII      PRESCRIPTION/ORDER REQUIRED AND REFILL  
AUTHORIZATION/RECORDKEEPING**

1. Prescription drugs shall be dispensed only pursuant to a valid prescription or a valid order. A pharmacist shall not dispense a prescription which the pharmacist knows or should know is not a valid prescription. A Prescription Drug Order, to be effective, must be issued for a legitimate medical purpose by a Practitioner acting within the course of legitimate professional practice.

A Prescription Drug Order shall contain the following information at a minimum:

- (1) full name and street address (if required by law) of the patient;
  - (2) name, address, and, if required by law or rules of the Board, DEA registration number of the prescribing Practitioner;
  - (3) date of issuance;
  - (4) name, strength, dosage form, and quantity of Drug prescribed;
  - (5) directions for use;
  - (6) refills authorized, if any;
  - (7) if a written Prescription Drug Order, prescribing Practitioner's signature;
  - (8) if an electronically transmitted Prescription Drug Order, prescribing Practitioner's electronic or digital signature;
2. A Prescription Drug Order must be communicated directly to a Pharmacist, or when recorded, in such a way that the Pharmacist may review the Prescription Drug Order as transmitted. A prescription/order may be accepted by a pharmacist in written form, orally, or electronically unless the order is for a Schedule II controlled substance (refer to ARTICLE XIX) of these regulations. Electronically transmitted prescription drug orders shall meet the following requirements:
    - A. Electronically transmitted prescription drug orders shall meet the following criteria:
      - (1) be transmitted only to the pharmacy of the patient's choice; and
      - (2) be transmitted by an authorized Practitioner or his or her designated agent
    - B. Prescription drug orders transmitted by facsimile or computer shall include:
      - (1) The complete name, address, and DEA Registration Number of the practitioner if required;
      - (2) The transmitters telephone number or any other suitable means to contact the transmitter for verbal and/or written confirmation;
      - (3) The name, address, and age of the patient;
      - (4) The time and date of the transmission; and,
      - (5) The full name of the person transmitting the order; and
      - (6) The identity of the Pharmacy intended to receive the transmission, as well as any other information required by federal or state law.

- C. An electronically transmitted drug order which meets the requirements of this ARTICLE shall be deemed the original order.
  - D. The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the transmitted prescription drug order consistent with federal or state laws and rules and regulations adopted pursuant to the same.
  - E. An electronically transmitted prescription/order from a prescriber to a pharmacist shall be considered a highly confidential transaction and the said transmission shall not be compromised by interventions, control, change, altering or manipulation by any other person or parties in any manner whatsoever.
  - F. Any pharmacist that transmits, receives or maintains any prescription or prescription refill either orally, in writing or electronically shall ensure the security, integrity and confidentiality of the prescription and any information contained therein.
  - G. To maintain the confidentiality of patient and prescriber records, a computer system shall have security and system safeguards designed to prevent and detect unauthorized access, modification or manipulation of patient records. Once the drug has been dispensed, any alterations in prescription drug order data shall be documented to include the identification of the individual responsible for the alteration.
  - H. Electronic transmission of prescription orders for controlled substances must comply with DEA Regulations.
- 3. Pharmacists must maintain complete and accurate records of all prescription drugs received, disposed of, or dispensed at a permitted facility.
  - 4. A prescription may not be refilled without authorization. When refills are dispensed pursuant to authorization contained on the original prescription or when no refills are authorized on the original prescription but refills are subsequently authorized by the prescriber, the refill authorization shall be recorded on the original prescription document and the record of any refill made shall be maintained on the back of the original prescription document or on some other uniformly maintained record and the dispensing pharmacist shall record the date of the refill, the quantity of the drug dispensed and his/her initials; however, an original prescription for a controlled substance which contains no refill information may not be authorized to be refilled more than five (5) times or after six (6) months from the date of issuance. Authorization for any additional refill of a controlled substance prescription in excess of those refills originally authorized or after six (6) months from the date of issuance of the prescription shall be treated as a new prescription.
  - 5. When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. Except as provided below, no prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the prescriber would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription. For non-controlled maintenance medications only, a pharmacist, exercising his/her professional judgment, may dispense additional dosage units authorized by the prescriber on the original prescription including refills.



6. The pharmacist who fills or refills a prescription shall record the date of the dispensing and indicate his/her identity as the dispensing pharmacist on the prescription document or some other appropriate and uniformly maintained record. If this record is maintained on the original prescription document, the original dispensing and any refills must be recorded on the back of the prescription.
7. A prescription shall not be refilled after twelve (12) months from the date of issuance. Orders for non-controlled medications authorized for patients in LTC facilities are recognized as prescriptions and are valid until the order is discontinued.
8. A prescription becomes invalid thirty (30) days after the prescriber/patient relationship is terminated. When the patient is no longer able to seek personal consultation or treatment from the prescriber the prescriber/patient relationship is terminated.
9. A written prescription document prepared by the prescriber or his agent must bear an original signature of the prescriber, facsimile stamps are not acceptable. When an oral prescription or the oral authorization for the refilling of a prescription is received which is transmitted by someone other than the prescriber, the name of the transmitter and the date of the transmission must be recorded on the original prescription document by the pharmacist receiving the transmission.
10. A pharmacist licensed by the Mississippi Board of Pharmacy may dispense a one-time emergency dispensing of a prescription of up to a seventy-two (72) hour supply of a prescribed medication in the event the pharmacist is unable to contact the prescriber to obtain refill authorization, provided that;
  - A. The prescription is not for a controlled substance;
  - B. In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort;
  - C. The dispensing pharmacist notifies the prescriber or his agent of the emergency dispensing within seven (7) working days after the one-time emergency dispensing;
  - D. The pharmacist properly records the dispensing as a separate non-refillable prescription. Said document shall be filed as is required of all other prescription records. This document shall be serially numbered and contain all information required of other prescriptions. In addition, it shall contain the number of the prescription from which it was refilled; and
  - E. The pharmacist shall record on the new document the circumstances which warrant this emergency dispensing.This emergency dispensing shall be done only in the permitted facility which contains the non-refillable prescription.

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

**ARTICLE XII      PRESCRIPTION/ORDER REQUIRED AND REFILL  
AUTHORIZATION/RECORDKEEPING**

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A Prescription Drug Order shall contain the following information at a minimum:

- (1) full name and street address (if required by law) of the patient;
  - (2) name, address, and, if required by law or rules of the Board, DEA registration number of the prescribing Practitioner;
  - (3) date of issuance;
  - (4) name, strength, dosage form, and quantity of Drug prescribed;
  - (5) directions for use;
  - (6) refills authorized, if any;
  - (7) if a written Prescription Drug Order, prescribing Practitioner's signature;
  - (8) if an electronically transmitted Prescription Drug Order, prescribing Practitioner's electronic or digital signature;
2. A Prescription Drug Order must be communicated directly to a Pharmacist, or when recorded, in such a way that the Pharmacist may review the Prescription Drug Order as transmitted. A prescription/order may be accepted by a pharmacist in written form, orally, or electronically unless the order is for a Schedule II controlled substance (refer to ARTICLE XIX) of these regulations. Electronically transmitted prescription drug orders shall meet the following requirements:
    - A. Electronically transmitted prescription drug orders shall meet the following criteria:
      - (1) be transmitted only to the pharmacy of the patient's choice; and
      - (2) be transmitted by an authorized Practitioner or his or her designated agent
    - B. Prescription drug orders transmitted by facsimile or computer shall include:
      - (1) The complete name, address, and DEA Registration Number of the practitioner if required;
      - (2) The transmitters telephone number or any other suitable means to contact the transmitter for verbal and/or written confirmation;
      - (3) The name, address, and age of the patient;
      - (4) The time and date of the transmission; and,
      - (5) The full name of the person transmitting the order; and
      - (6) The identity of the Pharmacy intended to receive the transmission, as well as any other information required by federal or state law.



- C. An electronically transmitted drug order which meets the requirements of this ARTICLE shall be deemed the original order.
  - D. The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the transmitted prescription drug order consistent with federal or state laws and rules and regulations adopted pursuant to the same.
  - E. An electronically transmitted prescription/order from a prescriber to a pharmacist shall be considered a highly confidential transaction and the said transmission shall not be compromised by interventions, control, change, altering or manipulation by any other person or parties in any manner whatsoever.
  - F. Any pharmacist that transmits, receives or maintains any prescription or prescription refill either orally, in writing or electronically shall ensure the security, integrity and confidentiality of the prescription and any information contained therein.
  - G. To maintain the confidentiality of patient and prescriber records, a computer system shall have security and system safeguards designed to prevent and detect unauthorized access, modification or manipulation of patient records. Once the drug has been dispensed, any alterations in prescription drug order data shall be documented to include the identification of the individual responsible for the alteration.
  - H. Electronic transmission of prescription orders for controlled substances must comply with DEA Regulations.
3. Pharmacists must maintain complete and accurate records of all prescription drugs received, disposed of, or dispensed at a permitted facility.
4. A prescription may not be refilled without authorization. When refills are dispensed pursuant to authorization contained on the original prescription or when no refills are authorized on the original prescription but refills are subsequently authorized by the prescriber, the refill authorization shall be recorded on the original prescription document and the record of any refill made shall be maintained on the back of the original prescription document or on some other uniformly maintained record and the dispensing pharmacist shall record the date of the refill, the quantity of the drug dispensed and his/her initials; however, an original prescription for a controlled substance which contains no refill information may not be authorized to be refilled more than five (5) times or after six (6) months from the date of issuance. Authorization for any additional refill of a controlled substance prescription in excess of those refills originally authorized or after six (6) months from the date of issuance of the prescription shall be treated as a new prescription.
5. When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. Except as provided below, no prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the prescriber would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription. For non-controlled maintenance medications only, a pharmacist, exercising his/her professional judgment, may dispense additional dosage units authorized by the prescriber on the original prescription including refills.

6. The pharmacist who fills or refills a prescription shall record the date of the dispensing and indicate his/her identity as the dispensing pharmacist on the prescription document or some other appropriate and uniformly maintained record. If this record is maintained on the original prescription document, the original dispensing and any refills must be recorded on the back of the prescription.
7. A prescription shall not be refilled after twelve (12) months from the date of issuance. Orders for non-controlled medications authorized for patients in LTC facilities are recognized as prescriptions and are valid until the order is discontinued.
8. A prescription becomes invalid thirty (30) days after the prescriber/patient relationship is terminated. When the patient is no longer able to seek personal consultation or treatment from the prescriber the prescriber/patient relationship is terminated.
9. A written prescription document prepared by the prescriber or his agent must bear an original signature of the prescriber, facsimile stamps are not acceptable. When an oral prescription or the oral authorization for the refilling of a prescription is received which is transmitted by someone other than the prescriber, the name of the transmitter and the date of the transmission must be recorded on the original prescription document by the pharmacist receiving the transmission.
10. A pharmacist licensed by the Mississippi Board of Pharmacy may dispense a one-time emergency dispensing of a prescription of up to a seventy-two (72) hour supply of a prescribed medication in the event the pharmacist is unable to contact the prescriber to obtain refill authorization, provided that;
  - A. The prescription is not for a controlled substance;
  - B. In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort;
  - C. The dispensing pharmacist notifies the prescriber or his agent of the emergency dispensing within seven (7) working days after the one-time emergency dispensing;
  - D. The pharmacist properly records the dispensing as a separate non-refillable prescription. Said document shall be filed as is required of all other prescription records. This document shall be serially numbered and contain all information required of other prescriptions. In addition, it shall contain the number of the prescription from which it was refilled; and
  - E. The pharmacist shall record on the new document the circumstances which warrant this emergency dispensing.This emergency dispensing shall be done only in the permitted facility which contains the non-refillable prescription.

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

**ARTICLE XL        PHARMACY TECHNICIANS**

**1. PHARMACY TECHNICIAN REGISTRATION.**

Every person who acts or serves as a pharmacy technician must obtain a pharmacy technician registration from the Board in compliance with Mississippi Code Annotated Section 73-21-111. In addition to the requirements of Mississippi Code Annotated Section 73-21-111, an applicant for pharmacy technician shall be at least eighteen (18) years of age and be a high school graduate or hold a GED equivalent. No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary reasons shall be eligible to be registered as a pharmacy technician.

**2. PHARMACY TECHNICIAN REGISTRATION RENEWAL.**

Each pharmacy technician shall renew his/her registration annually pursuant to Mississippi Code Annotated Section 73-21-111. A pharmacy technician registration that has not been renewed by March 31 of each year shall become inactive and the pharmacy technician shall not perform any pharmacy technician duties until the registration is renewed. Pharmacy technician registrations that are renewed after March 31 of the renewal period shall be charged a Fifty Dollar (\$50) late renewal fee.

**3. PHARMACY TECHNICIAN RESPONSIBILITIES AND GUIDELINES.**

- A. In order to adequately protect the public health, pharmacy technicians shall not:
  - a. Communicate, orally or in writing, any medical, therapeutic, clinical, or drug information or communicate any information recorded on a patient profile that requires professional judgment.
  - b. Accept by oral communication a new prescription of any nature.
  - c. Prepare a copy of a prescription or read a prescription to another person.
  - d. Provide a prescription or medication to a patient without a pharmacist's verification as to the accuracy of the dispensed medication. For the purposes of this regulation, verification shall mean that the licensed pharmacist shall be aware of the patient's medication profile, Drug Utilization Review, computer overrides, and drug interactions as well as the accuracy of the selected medication and labeling.
  - e. Counsel a patient on medications or perform a drug utilization review.
  - f. Perform any task that requires the professional judgment of a pharmacist.
  - g. Perform any task that is in violation of any federal or state pharmacy or drug laws.
- B. Persons registered with the Board as a pharmacy technician may perform approved tasks under the direct supervision of a registered pharmacist as follows:
  - a. Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, vending, or barter any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Mississippi, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals. This shall also include the adding of water for reconstitution of oral antibiotic liquids.



- b. Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.
  - c. Taking from and replacing upon shelves in the prescription department of a pharmacy, drugs, medicines, chemicals, or poisons which are required by the law of the United States or the State of Mississippi to be sold or dispensed only on prescription of a practitioner authorized by law to prescribe them.
  - d. Entering information into the pharmacy computer. The pharmacy technician shall not make any judgmental decisions, which could affect patient care. The final verification of prescription information entered into the computer shall be made by the supervising pharmacist who is then totally responsible for all aspects of the data and data entry.
  - e. Obtaining prescriber authorization for prescription refills provided that nothing about the prescription is changed.
  - f. Prepackaging and labeling of multi-dose and unit-dose packages of medication. The pharmacist must establish the procedures, including selection of containers, labels and lot numbers, and must check the finished task.
  - g. Dose picking for unit dose cart fill for a hospital or for a nursing home patient.
  - h. Checking and inspecting nursing units in a hospital or nursing home: Pharmacy technicians may check nursing units for proper medication storage and other related floor stock medication issues. Any related medication storage problems or concerns shall be documented and initialed by a pharmacist.
  - i. Recording patient or medication information in electronic systems for later validation by the pharmacist.
  - j. Bulk reconstitution of prefabricated non-injectable medication.
  - k. Bulk compounding. This category may include such items as sterile bulk solutions for small volume injectables, sterile irrigating solutions, products prepared in relatively large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital.
  - l. Preparation of parenteral products as follows: The pharmacy technician must follow guidelines established by the pharmacist by policy and procedures. Pharmacy technicians may perform functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. Pharmacy technicians may perform functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising pharmacist must verify the accuracy in all instances.
  - m. Pharmacy Technicians in an institutional setting may conduct patient medication histories without the direct supervision of a pharmacist. The institution must have policies and procedures and training protocols to govern such tasks.
- C. Every person acting or serving as a pharmacy technician shall wear a name tag, while on duty, identifying him or her as a pharmacy technician. When communicating by telephone, the pharmacy technician shall promptly identify himself or herself as a pharmacy technician.

- D. Each pharmacy technician registered by the Board shall be responsible to maintain current information in the Board's licensing system. Each pharmacy technician shall update any change of employment or change of residential address within ten (10) days of the change occurring. If the pharmacy technician becomes unemployed, the pharmacy technician shall update the employment status to unemployed within ten (10) days of becoming unemployed. Failure to update information changes in the Board's licensing system may result in disciplinary action by the Board.

#### 4. RESPONSIBILITY OF SUPERVISING PHARMACIST AND PHARMACIST-IN-CHARGE.

- A. It is the responsibility of the supervising pharmacist on duty to require that all pharmacy technicians under his/her supervision comply with this Article.
- B. It is the responsibility of the pharmacist-in-charge to ensure that all pharmacy technicians performing pharmacy technician duties have valid pharmacy technician registrations.
- C. It is the responsibility of the pharmacist-in-charge to ensure that the technician is certified, has completed an accredited training program, or provides a training program for a pharmacy technician that includes pharmacy terminology, pharmacy calculations, dispensing systems and labeling requirements, pharmacy laws and regulations, record keeping and documentation, proper handling and storage of medications, pharmaceutical diversion awareness, and medication safety.
- D. A pharmacist may not supervise more than three (3) pharmacy technicians during a given time. Any pharmacist that supervises more than three (3) pharmacy technicians during a given time is subject to disciplinary action by the Board. Support personnel used solely for clerical duties such as filing prescriptions and general record keeping need not be included in the pharmacist to pharmacy technician supervision ratio.

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

ARTICLE XL PHARMACY TECHNICIANS

1. INTRODUCTION

~~Section 73-21-83, paragraph (2), Mississippi Code of 1972, Annotated, specifies that a license to practice pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. The "Practice of pharmacy" shall mean a health care service that includes, but is not limited to, the compounding, dispensing, and labeling of drugs or devices; interpreting and evaluating prescriptions; administering and distributing drugs and devices; maintaining prescription drug records; advising and consulting concerning therapeutic values, content, hazards and uses of drugs and devices; initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved by the Board; selecting drugs; participating in drug utilization reviews; storing prescription drugs and devices; ordering lab work in accordance with written guidelines or protocols as defined by Section 73-21-73, paragraph (1), Mississippi Code of 1972, Annotated; providing pharmacotherapeutic consultations; supervising supportive personnel and such other acts, services, operations or transactions necessary or incidental to the conduct of the foregoing.~~

~~The only other persons who may perform the above tasks other than a licensed pharmacist, and then only under the direct supervision of a pharmacist, are the following:~~

- ~~A. A pharmacy intern; and~~
- ~~B. A pharmacy extern.~~

2. PHARMACY TECHNICIAN REGISTRATION

~~Every person who intends to serve as a pharmacy technician must obtain a pharmacy technician registration from the Board. To obtain a pharmacy technician registration the applicant shall meet the following conditions for each Pharmacy Technician Registration issued after April 1, 2011:~~

- ~~A. Have attained eighteen (18) years of age;~~
- ~~B. Be a high school graduate or hold GED equivalent and furnish copy of such certificate to the Board;~~
- ~~C. Be of good moral character as evidenced by having undergone and successfully passed a criminal background check conducted by the Board;~~
- ~~D. Have submitted a written application including a passport quality photo on a form(s) prescribed by the Board;~~
- ~~E. Have paid the initial registration fee not to exceed one hundred dollars (\$100.00); and~~
- ~~F. Have paid all fees associated with the criminal background check;~~

~~No Pharmacist whose license has been denied, Revoked, Suspended, or restricted for disciplinary reasons shall be eligible to be registered as a Pharmacy Technician.~~



### ~~3. PHARMACY TECHNICIAN REGISTRATION RENEWAL~~

~~Each pharmacy technician shall renew his/her registration annually. To renew his/her registration, a technician shall:~~

- ~~A. Submit an application on the form prescribed by the Board;~~
- ~~B. Pay a renewal fee not to exceed one hundred dollars (\$100.00) for the registration period April 1, 2011 through March 31, 2012 and annually thereafter;~~
- ~~C. Have successfully passed the Pharmacy Technician Certification Board Exam or a Pharmacy Technician exam approved by the Board if the registration was obtained after April 1, 2011. This Certification must be maintained as specified or required by the examining authority; and~~
- ~~D. If the registration was obtained after April 1, 2011, provide proof of a current approved certification.~~

~~Any pharmacy technician registration that has not been renewed by March 31 of each registration period becomes null and void after that date. The pharmacy technician shall not perform any pharmacy technician duties in the pharmacy dispensing or drug storage area until such time as the registration is renewed. Any Pharmacy technician renewal application postmarked after March 31 of the renewal period shall be returned and a fifty dollar (\$50) late renewal fee shall be assessed prior to renewal.~~

~~The pharmacist in charge shall validate all pharmacy technician registrations on or before March 31 of each year, assuring that all such registrations are current and in good standing.~~

### ~~4. PHARMACY TECHNICIAN RESPONSIBILITIES AND GUIDELINES~~

~~It has been determined by the Board that three (3) technicians on duty performing technician related work directly related to the dispensing of medications are sufficient for each licensed pharmacist on duty. Support personnel used solely for clerical duties such as filing prescriptions, delivery and general record keeping need not be included in the ratios of the functions performed by a pharmacy technician.~~

~~In order to adequately protect the public health, technicians shall not:~~

- ~~A. Communicate, orally or in writing, any medical, therapeutic, clinical, or drug information or communicate any information recorded on a patient profile that requires professional judgment;~~
- ~~B. Accept by oral communication a new prescription of any nature;~~
- ~~C. Prepare a copy of a prescription or read a prescription to another person;~~
- ~~D. Provide a prescription or medication to a patient without a pharmacist's verification as to the accuracy of the dispensed medication. For the purposes of this regulation, verification shall mean that the licensed pharmacist shall be aware of the patient's medication profile, Drug Utilization Review, computer overrides, and drug interactions as well as the accuracy of the selected medication and labeling;~~

- ~~E. Counsel a patient on medications or perform a drug utilization review;~~
- ~~F. Perform any task that requires the professional judgment of a pharmacist; or~~
- ~~G. Perform any task that is in violation of any federal or state pharmacy or drug laws.~~

Persons registered with the Board as a pharmacy technician, under the direct supervision of a registered pharmacist may perform approved tasks as follows:

- ~~A. Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, vending, or barter any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Mississippi, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals. This shall also include the adding of water for reconstitution of oral antibiotic liquids.~~
- ~~B. Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.~~
- ~~C. Taking from and replacing upon shelves in the prescription department of a pharmacy, drugs, medicines, chemicals, or poisons which are required by the law of the United States or the State of Mississippi to be sold or dispensed only on prescription of a practitioner authorized by law to prescribe them.~~
- ~~D. Entering information into the pharmacy computer. The pharmacy technician shall not make any judgmental decisions, which could affect patient care. The final verification of prescription information entered into the computer shall be made by the supervising pharmacist who is then totally responsible for all aspects of the data and data entry.~~
- ~~E. Obtaining prescriber authorization for prescription refills provided that nothing about the prescription is changed.~~
- ~~F. Prepackaging and labeling of multi dose and unit dose packages of medication. The pharmacist must establish the procedures, including selection of containers, labels and lot numbers, and must check the finished task.~~
- ~~G. Dose picking for unit dose cart fill for a hospital or for a nursing home patient.~~
- ~~H. Checking and inspecting nursing units in a hospital or nursing home: Pharmacy technicians may check nursing units for proper medication storage and other related floor stock medication issues. Any related medication storage problems or concerns shall be documented and initialed by a pharmacist.~~
- ~~I. Recording patient or medication information in electronic systems for later validation by the pharmacist.~~
- ~~J. Bulk reconstitution of prefabricated non-injectable medication.~~
- ~~K. Bulk compounding. This category may include such items as sterile bulk solutions for small volume injectables, sterile irrigating solutions, products prepared in relatively large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital.~~
- ~~L. Preparation of parenteral products as follows: The pharmacy technician must follow guidelines established by the pharmacist as established by policy and procedures. Pharmacy technicians may perform functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. Pharmacy technicians may perform functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising pharmacist must verify the accuracy in all instances.~~

~~Pharmacy Technicians in an institutional setting may conduct patient medication histories without the direct supervision of a pharmacist. The institution must have policies and procedures and training protocols to govern such tasks.~~

~~Every person acting or serving as a pharmacy technician shall wear a name tag, while on duty, identifying him or her as such. When communicating by telephone, the pharmacy technician shall promptly identify him or her as such.~~

~~Pharmacy Technicians shall perform such duties as authorized by these regulations and perform other duties as assigned by the pharmacists.~~

~~Each technician registered by the Board shall notify the Board in writing within ten (10) days of change of employment or change of address. The notification shall contain his/her name, new mailing address, registration number, the name of the pharmacy where formerly employed, and the name of the pharmacy where currently employed or the current employment status. Failure to Notify the Board of any changes may result in disciplinary action by the Board.~~

~~In the dispensing of drugs from a pharmacy, it shall be the responsibility of the supervising pharmacist on duty to require that any technician under his/her supervision complies with this Article. Performance by pharmacy technicians of tasks outlined in paragraph 1., above shall constitute the practice of pharmacy without a license and is a violation of the Mississippi Pharmacy Practice Act.~~

1. PHARMACY TECHNICIAN REGISTRATION.

Every person who acts or serves as a pharmacy technician must obtain a pharmacy technician registration from the Board in compliance with Mississippi Code Annotated Section 73-21-111. In addition to the requirements of Mississippi Code Annotated Section 73-21-111, an applicant for pharmacy technician shall be at least eighteen (18) years of age and be a high school graduate or hold a GED equivalent. No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary reasons shall be eligible to be registered as a pharmacy technician.

2. PHARMACY TECHNICIAN REGISTRATION RENEWAL.

Each pharmacy technician shall renew his/her registration annually pursuant to Mississippi Code Annotated Section 73-21-111. A pharmacy technician registration that has not been renewed by March 31 of each year shall become inactive and the pharmacy technician shall not perform any pharmacy technician duties until the registration is renewed. Pharmacy technician registrations that are renewed after March 31 of the renewal period shall be charged a Fifty Dollar (\$50) late renewal fee.

3. PHARMACY TECHNICIAN RESPONSIBILITIES AND GUIDELINES.

- A. In order to adequately protect the public health, pharmacy technicians shall not:
- a. Communicate, orally or in writing, any medical, therapeutic, clinical, or drug information or communicate any information recorded on a patient profile that requires professional judgment.



- b. Accept by oral communication a new prescription of any nature.
- c. Prepare a copy of a prescription or read a prescription to another person.
- d. Provide a prescription or medication to a patient without a pharmacist's verification as to the accuracy of the dispensed medication. For the purposes of this regulation, verification shall mean that the licensed pharmacist shall be aware of the patient's medication profile, Drug Utilization Review, computer overrides, and drug interactions as well as the accuracy of the selected medication and labeling.
- e. Counsel a patient on medications or perform a drug utilization review.
- f. Perform any task that requires the professional judgment of a pharmacist.
- g. Perform any task that is in violation of any federal or state pharmacy or drug laws.
- B. Persons registered with the Board as a pharmacy technician may perform approved tasks under the direct supervision of a registered pharmacist as follows:
  - a. Packing, pouring or placing in a container for dispensing, sale, distribution, transfer possession of, vending, or barter any drug, medicine, poison, or chemical which, under the laws of the United States or the State of Mississippi, may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals. This shall also include the adding of water for reconstitution of oral antibiotic liquids.
  - b. Affixing required labels upon any container of drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals.
  - c. Taking from and replacing upon shelves in the prescription department of a pharmacy, drugs, medicines, chemicals, or poisons which are required by the law of the United States or the State of Mississippi to be sold or dispensed only on prescription of a practitioner authorized by law to prescribe them.
  - d. Entering information into the pharmacy computer. The pharmacy technician shall not make any judgmental decisions, which could affect patient care. The final verification of prescription information entered into the computer shall be made by the supervising pharmacist who is then totally responsible for all aspects of the data and data entry.
  - e. Obtaining prescriber authorization for prescription refills provided that nothing about the prescription is changed.
  - f. Prepackaging and labeling of multi-dose and unit-dose packages of medication. The pharmacist must establish the procedures, including selection of containers, labels and lot numbers, and must check the finished task.
  - g. Dose picking for unit dose cart fill for a hospital or for a nursing home patient.
  - h. Checking and inspecting nursing units in a hospital or nursing home: Pharmacy technicians may check nursing units for proper medication storage and other related floor stock medication issues. Any related medication storage problems or concerns shall be documented and initialed by a pharmacist.
  - i. Recording patient or medication information in electronic systems for later validation by the pharmacist.
  - j. Bulk reconstitution of prefabricated non-injectable medication.
  - k. Bulk compounding. This category may include such items as sterile bulk solutions for small volume injectables, sterile irrigating solutions, products prepared in relatively

large volume for internal or external use by patients, and reagents or other products for the pharmacy or other departments of a hospital.

- I. Preparation of parenteral products as follows: The pharmacy technician must follow guidelines established by the pharmacist by policy and procedures. Pharmacy technicians may perform functions involving reconstitution of single or multiple dosage units that are to be administered to a given patient as a unit. Pharmacy technicians may perform functions involving the addition of one manufacturer's single dose or multiple unit doses of the same product to another manufacturer's prepared unit to be administered to a patient. The supervising pharmacist must verify the accuracy in all instances.
    - m. Pharmacy Technicians in an institutional setting may conduct patient medication histories without the direct supervision of a pharmacist. The institution must have policies and procedures and training protocols to govern such tasks.
  - C. Every person acting or serving as a pharmacy technician shall wear a name tag, while on duty, identifying him or her as a pharmacy technician. When communicating by telephone, the pharmacy technician shall promptly identify himself or herself as a pharmacy technician.
  - D. Each pharmacy technician registered by the Board shall be responsible to maintain current information in the Board's licensing system. Each pharmacy technician shall update any change of employment or change of residential address within ten (10) days of the change occurring. If the pharmacy technician becomes unemployed, the pharmacy technician shall update the employment status to unemployed within ten (10) days of becoming unemployed. Failure to update information changes in the Board's licensing system may result in disciplinary action by the Board.
4. RESPONSIBILITY OF SUPERVISING PHARMACIST AND PHARMACIST-IN-CHARGE.
- A. It is the responsibility of the supervising pharmacist on duty to require that all pharmacy technicians under his/her supervision comply with this Article.
  - B. It is the responsibility of the pharmacist-in-charge to ensure that all pharmacy technicians performing pharmacy technician duties have valid pharmacy technician registrations.
  - C. It is the responsibility of the pharmacist-in-charge to ensure that the technician is certified, has completed an accredited training program, or provides a training program for a pharmacy technician that includes pharmacy terminology, pharmacy calculations, dispensing systems and labeling requirements, pharmacy laws and regulations, record keeping and documentation, proper handling and storage of medications, pharmaceutical diversion awareness, and medication safety.
  - D. A pharmacist may not supervise more than three (3) pharmacy technicians during a given time. Any pharmacist that supervises more than three (3) pharmacy technicians during a given time is subject to disciplinary action by the Board. Support personnel used solely for clerical duties such as filing prescriptions and general record keeping need not be included in the pharmacist to pharmacy technician supervision ratio.

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

**ARTICLE XLV PHARMACY BENEFIT MANAGER**

Pharmacy Benefit Managers must comply with all federal and state laws and regulations which include, but is not limited to:

- Mississippi Pharmacy Practice Act §§ 73-21-69 to 73-21-129
- Pharmacy Benefit Prompt Pay Act §§ 73-21-151 to 73-21-163
- Pharmacy Audit Integrity Act §§ 73-21-175 to 73-21-191
- Prescription Drugs Consumer Affordable Alternative Payment Options Act §§ 73-21-201 to 73-21-205

**LICENSE REQUIRED BEFORE CONDUCTING BUSINESS AS PHARMACY BENEFIT MANAGER; PHARMACY BENEFIT MANAGERS TO FILE CERTAIN FINANCIAL STATEMENTS WITH STATE BOARD OF PHARMACY; TIME PERIOD FOR FILING STATEMENTS**

- A. Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license from the board. To obtain a license, the applicant shall submit an application to the board on a form prescribed by the board. The application shall include, but not be limited to:
- i. The identity of the pharmacy benefit manager and any company or organization controlling the operation of the pharmacy benefit manager, including the name, business address, and contact person and direct contact information for the pharmacy benefit manager and the controlling entity.
  - ii. A current "Certificate of Good Standing" from the Mississippi Secretary of State.
  - iii. In the case of a pharmacy benefit manager domiciled out of the State of Mississippi, a certificate that the pharmacy benefit manager, controlling company or organization is in good standing in the state of domicile or organization.
  - iv. A report of the details of any suspension, sanction, penalty or other disciplinary action relating to the pharmacy benefit manager, controlling company or organization, in the State of Mississippi or any other state, territory or country.
  - v. The pharmacy benefit manager shall report all previous data security breaches and HIPAA security breaches.
  - vi. The name and address of the agent of record or for services of process for the pharmacy benefit manager in Mississippi.
  - vii. A list of the pharmacy benefit manager's principal owners.
  - viii. The geographical services area of the pharmacy benefit manager.
  - ix. A current list of all entities on whose behalf the pharmacy benefit manager has contracts or agreements to provide pharmacy benefit services.
  - x. The number of total enrollees or lives served under all of the pharmacy benefit manager's contracts or agreements in Mississippi and nationwide.
  - xi. A contingency plan describing how contracted pharmacy benefit services will be provided in the event of insolvency of the pharmacy benefit manager.



- xii. The most recently concluded fiscal year-end financial statements for the pharmacy benefit manager and its controlling company or organization, which statements have been audited by an independent certified public accountant (CPA) under U.S. generally accepted accounting principles (GAAP).
  - xiii. The names and addresses of the public accounting firm and internal accountant(s) preparing or assisting in the preparation of such financial statements.
  - xiv. A certificate signed by the Chief Executive Officer of the pharmacy benefit manager, or equivalent administrator with the authority to speak on behalf of the company, attesting to the accuracy of the information contained in the filing.
- B. A non-refundable license fee of Five Hundred Dollars (\$500.00) must accompany each application for the application to be considered complete.
- C. The Pharmacy Benefit Manager license shall be an annually renewable license expiring on December 31st of each calendar year. 'Pro rata' pharmacy benefit manager licenses are not allowed by the Board.
- D. A completed application, along with online fee payment, for an initial or a renewal of a Pharmacy Benefit Manager license must be received through the Mississippi Board of Pharmacy online licensing renewal gateway no later than 12:00 o'clock pm CDT December 31st annually. In the event that a pharmacy benefit manager license renewal is received after December 31st, a Five Hundred Dollars (\$500.00) late fee will be assessed and payment must be received by the Board before a license will be issued.
- E. A monetary penalty of One Thousand Dollars (\$1000.00) per day may be imposed upon any Pharmacy Benefit Manager that practices or conducts business in the State of Mississippi without a license.

TITLE 30: PROFESSIONS AND OCCUPATIONS  
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS  
ARTICLE XLV PHARMACY BENEFIT MANAGER

~~In addition to all other applicable sections of the Mississippi Code of 1972, ARTICLE XLV of the Mississippi Board of Pharmacy Regulation pertains specifically to Pharmacy Benefit Managers.~~

~~1. DEFINITIONS~~

- ~~A. "Board" means the State Board of Pharmacy.~~
- ~~B. "Commissioner" means the Mississippi Commissioner of Insurance.~~
- ~~C. "Day" means a calendar day, unless otherwise defined or limited.~~
- ~~D. "Electronic claim" means the transmission of data for purposes of payment of covered prescription drugs, other products and supplies, and pharmacist services in an electronic data format specified by a pharmacy benefit manager and approved by the department.~~
- ~~E. "Electronic adjudication" means the process of electronically receiving, reviewing and accepting or rejecting an electronic claim.~~
- ~~F. "Enrollee" means an individual who has been enrolled in a pharmacy benefit management plan.~~
- ~~G. "Health insurance plan" means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer, unless preempted as an employee benefit plan under the Employee Retirement Income Security Act of 1974. However, "health insurance coverage" shall not include benefits due under the workers compensation laws of this or any other state.~~
- ~~H. "Pharmacy benefit manager" means a business that administers the prescription drug/device portion of pharmacy benefit management plans or health insurance plans on behalf of plan sponsors, insurance companies, unions and health maintenance organizations. For purposes of Sections 73-21-151 through 73-21-159, a "pharmacy benefit manager" shall not include an insurance company that provides an integrated health benefit plan and that does not separately contract for pharmacy benefit management services. The pharmacy benefit manager of the Mississippi State and School Employees Health Insurance Plan or the Mississippi Division of Medicaid or its contractors when performing services for the Division of Medicaid shall not be subject to Sections 73-21-151 through 73-21-159 because of those activities, but, if they are conducting business as a pharmacy benefit manager other than with those agencies, they shall be subject to Sections 73-21-151 through 73-21-159 for those activities only.~~

I. ~~"Pharmacy benefit management plan" means an arrangement for the delivery of pharmaceutical services in which a pharmacy benefit manager undertakes to administer the payment or reimbursement of any of the costs of pharmacist's services for an enrollee on a prepaid or insured basis which (i) contains one or more incentive arrangements intended to influence the cost or level of pharmaceutical services between the plan sponsor and one or more pharmacies with respect to the delivery of pharmacist's services; and (ii) requires or creates benefit payment differential incentives for enrollees to use under contract with the pharmacy benefit manager. A pharmacy benefit management plan does not mean any employee welfare benefit plan if preempted by the Employee Retirement Income Security Act of 1974, which is selfinsured or self-funded, the Mississippi State and School Employees Health Insurance Plan or the programs operated by the Mississippi Division of Medicaid.~~

J. ~~"Pharmacist", "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.~~

K. ~~"Uniform claim form" means a form prescribed by rule by the State Board of Pharmacy, provided however that, for purposes of Sections 73-21-151 through 73-21-159, the board shall adopt the same definition or rule where the State Department of Insurance has adopted a rule covering the same type of claim. The board may modify the terminology of the rule and form when necessary to comply with the provisions of Sections 73-21-151 through 73-21-159.~~

L. ~~"Plan sponsors" means the employers, insurance companies, unions and health maintenance organizations that contract with a pharmacy benefit manager for delivery of prescription services.~~

~~2. LICENSE REQUIRED BEFORE CONDUCTING BUSINESS AS PHARMACY BENEFIT MANAGER; PHARMACY BENEFIT MANAGERS TO FILE CERTAIN FINANCIAL STATEMENTS WITH STATE BOARD OF PHARMACY; TIME PERIOD FOR FILING STATEMENTS~~

~~A. Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license from the board. To obtain a license, the applicant shall submit an application to the board on a form prescribed by the board.~~

~~a. Contents of Application shall include:~~

~~i. The identity of the pharmacy benefits manager and any company or organization controlling the operation of the pharmacy benefits manager, including the name, business address, and contact person, for the pharmacy benefit manager and the controlling entity.~~

~~ii. A "Certificate of Good Standing" from the Mississippi Secretary of State and, if applicable, a Mississippi "Certificate of Existence".~~



- iii. ~~In the case of pharmacy benefit managers domiciled out of the State of Mississippi, a certificate that the pharmacy benefits manager, company or organization is in good standing in the state of domicile or organization.~~
- iv. ~~A report of the details of any suspension, sanction, penalty or other disciplinary action relating to the pharmacy benefits manager, controlling company or organization, in the State of Mississippi or any other state, territory or country.~~
- v. ~~The pharmacy benefit manager shall report all previous and future data security breaches and HIPAA security breaches.~~
- vi. ~~The name and address of the agent of record or for services of process for the pharmacy benefit manager in Mississippi.~~
- vii. ~~A list of the pharmacy benefit manager's principal owners.~~
- viii. ~~The geographical services area of the pharmacy benefit manager.~~
- ix. ~~A list of all entities on whose behalf the pharmacy benefit manager has contracts or agreements to provide pharmacy benefit services.~~
- x. ~~The number of total enrollees or lives served under all of the pharmacy benefit manager's contracts or agreements in Mississippi and nationwide.~~
- xi. ~~A contingency plan describing how contracted pharmacy benefit services will be provided in the event of insolvency of the pharmacy benefit manager.~~
- xii. ~~The most recently concluded fiscal year end financial statements for the pharmacy benefit manager and its controlling company or organization, which statements have been audited by an independent certified public accountant (CPA) under U.S. generally accepted accounting principles (GAAP).~~
- xiii. ~~The names and addresses of the public accounting firm and internal accountant(s) preparing or assisting in the preparation of such financial statements.~~
- xiv. ~~A certificate signed by the Chief Executive Officer of the pharmacy benefit manager attesting to the accuracy of the information contained in the filing.~~
- xv. ~~The Pharmacy Benefit Manager license shall be an annually renewable license expiring on January 1st of each calendar year.~~
- xvi. ~~A non-refundable license fee of \$500.00 must accompany each application for the application to be considered complete.~~
- xvii. ~~'Pro rata' pharmacy benefit manager licenses are not allowed by the Board.~~
- xviii. ~~A completed application for renewal of a Pharmacy Benefit Manager license must be received at the offices of the Board no later than December 31st annually.~~

- xix. ~~In the event that a pharmacy benefit manager license renewal is received after December 31st, a \$500.00 late fee will be assessed and payment must be received by the Board before a license will be issued.~~
- xx. ~~A monetary penalty of \$1000.00 per day may be imposed upon any Pharmacy Benefit Manager that practices or conducts business in the State of Mississippi without a license.~~
- B. ~~Each pharmacy benefit manager providing pharmacy management benefit plans in this state shall file a statement with the board annually by March 1 or within sixty (60) days of the end of its fiscal year if not a calendar year. The statement shall be verified by at least two (2) principal officers and shall cover the preceding calendar year or the immediately preceding fiscal year of the pharmacy benefit manager.~~
- C. ~~The statement shall be on forms prescribed by the board and shall include:~~
  - a. ~~A financial statement of the organization, including its balance sheet and income statement for the preceding year; and~~
  - b. ~~Any other information relating to the operations of the pharmacy benefit manager required by the board under this section.~~

~~However, no pharmacy benefit manager shall be required to disclose proprietary information of any kind to the board.~~
- D. ~~If the pharmacy benefit manager is audited annually by an independent certified public accountant, a copy of the certified audit report shall be filed annually with the board by June 30 or within thirty (30) days of the report being final.~~
- E. ~~The board may extend the time prescribed for any pharmacy benefit manager for filing annual statements or other reports or exhibits of any kind for good cause shown. However, the board shall not extend the time for filing annual statements beyond sixty (60) days after the time prescribed by subsection (1) of this section. The board may waive the requirements for filing financial information for the pharmacy benefit manager if an affiliate of the pharmacy benefit manager is already required to file such information under current law with the Commissioner of Insurance and allow the pharmacy benefit manager to file a copy of documents containing such information with the board in lieu of the statement required by this section.~~
- F. ~~The expense of administering this section shall be assessed annually by the board against all pharmacy benefit managers operating in this state.~~
- 3. ~~FINANCIAL EXAMINATION OF PHARMACY BENEFIT MANAGER~~
  - A. ~~In lieu of or in addition to making its own financial examination of a pharmacy benefit manager, the board may accept the report of a financial examination of other persons responsible for the pharmacy benefit manager under the laws of another state certified by the applicable official of such other state.~~

- ~~B. The board shall coordinate financial examinations of a pharmacy benefit manager that provides pharmacy management benefit plans in this state to ensure an appropriate level of regulatory oversight and to avoid any undue duplication of effort or regulation. The pharmacy benefit manager being examined shall pay the cost of the examination. The cost of the examination shall be deposited in a special fund that shall provide all expenses for the licensing, supervision and examination of all pharmacy benefit managers subject to regulation under Sections 73-21-71 through 73-21-129 and Sections 73-21-151 through 73-21-159.~~
- ~~C. The board may provide a copy of the financial examination to the person or entity that provides or operates the health insurance plan or to a pharmacist or pharmacy.~~
- ~~D. The board is authorized to hire independent financial consultants to conduct financial examinations of a pharmacy benefit manager and to expend funds collected under this section to pay the costs of such examinations.~~

#### ~~4. CLEAN CLAIM~~

~~Most current nationally recognized reference price to be used in calculation of reimbursement for prescription drugs and other products and supplies; updating of reference price; time period for payment of benefits; "clean claim" defined; compliance; penalties.~~

- ~~A. Reimbursement under a contract to a pharmacist or pharmacy for prescription drugs and other products and supplies that is calculated according to a formula that uses a nationally recognized reference in the pricing calculation shall use the most current nationally recognized reference price or amount in the actual or constructive possession of the pharmacy benefit manager, its agent, or any other party responsible for reimbursement for prescription drugs and other products and supplies on the date of electronic adjudication or on the date of service shown on the nonelectronic claim.~~
- ~~B. Pharmacy benefit managers, their agents and other parties responsible for reimbursement for prescription drugs and other products and supplies shall be required to update the nationally recognized reference prices or amounts used for calculation of reimbursement for prescription drugs and other products and supplies no less than every three (3) business days.~~
- ~~C. All benefits payable under a pharmacy benefit management plan shall be paid within fifteen (15) days after receipt of due written proof of a clean claim where claims are submitted electronically and shall be paid within thirty five (35) days after receipt of due written proof of a clean claim where claims are submitted in paper format. Benefits due under the plan and claims are overdue if not paid within fifteen (15) days or thirty five (35) days, whichever is applicable, after the pharmacy benefit manager receives a clean claim containing necessary information essential for the pharmacy benefit manager to administer preexisting condition, coordination of benefits and subrogation provisions under the plan~~



sponsor's health insurance plan. A "clean claim" means a claim received by any pharmacy benefit manager for adjudication and which requires no further information, adjustment or alteration by the pharmacist or pharmacies or the insured in order to be processed and paid by the pharmacy benefit manager. A claim is clean if it has no defect or impropriety, including any lack of substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this subsection. A clean claim includes resubmitted claims with previously identified deficiencies corrected.

D. ~~A clean claim does not include any of the following:~~

- ~~(a) A duplicate claim, which means an original claim and its duplicate when the duplicate is filed within thirty (30) days of the original claim;~~
- ~~(b) Claims which are submitted fraudulently or that are based upon material misrepresentations;~~
- ~~(c) Claims that require information essential for the pharmacy benefit manager to administer preexisting condition, coordination of benefits or subrogation provisions under the plan sponsor's health insurance plan; or~~
- ~~(d) Claims submitted by a pharmacist or pharmacy more than thirty (30) days after the date of service; if the pharmacist or pharmacy does not submit the claim on behalf of the insured, then a claim is not clean when submitted more than thirty (30) days after the date of billing by the pharmacist or pharmacy to the insured.~~

E. ~~Not later than fifteen (15) days after the date the pharmacy benefit manager actually receives an electronic claim, the pharmacy benefit manager shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the pharmacist or pharmacy (where the claim is owed to the pharmacist or pharmacy) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Not later than thirty-five (35) days after the date the pharmacy benefit manager actually receives a paper claim, the pharmacy benefit manager shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the pharmacist or pharmacy (where the claim is owed to the pharmacist or pharmacy) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Any claim or portion thereof resubmitted with the supporting documentation and information requested by the pharmacy benefit manager shall be paid within twenty (20) days after receipt.~~

F. ~~If the board finds that any pharmacy benefit manager, agent or other party responsible for reimbursement for prescription drugs and other products and supplies has not paid ninety-five percent (95%) of clean claims as defined in subsection (3) of this section received from all pharmacies in a calendar quarter, he shall be subject to administrative penalty of not more than Twenty-five Thousand Dollars (\$ 25,000.00) to be assessed by the State Board of Pharmacy.~~

- ~~G. Examinations to determine compliance with this subsection may be conducted by the board. The board may contract with qualified impartial outside sources to assist in examinations to determine compliance. The expenses of any such examinations shall be paid by the pharmacy benefit manager examined.~~
- ~~H. Nothing in the provisions of this section shall require a pharmacy benefit manager to pay claims that are not covered under the terms of a contract or policy of accident and sickness insurance or prepaid coverage.~~
- ~~I. If the claim is not denied for valid and proper reasons by the end of the applicable time period prescribed in this provision, the pharmacy benefit manager must pay the pharmacy (where the claim is owed to the pharmacy) or the patient (where the claim is owed to a patient) interest on accrued benefits at the rate of one and one half percent (1 1/2%) per month accruing from the day after payment was due on the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated. Whenever interest due pursuant to this provision is less than One Dollar (\$ 1.00), such amount shall be credited to the account of the person or entity to whom such amount is owed.~~
- ~~J. Any pharmacy benefit manager and a pharmacy may enter into an express written agreement containing timely claim payment provisions which differ from, but are at least as stringent as, the provisions set forth under subsection (3) of this section, and in such case, the provisions of the written agreement shall govern the timely payment of claims by the pharmacy benefit manager to the pharmacy. If the express written agreement is silent as to any interest penalty where claims are not paid in accordance with the agreement, the interest penalty provision of subsection (4)(c) of this section shall apply.~~
- ~~K. The State Board of Pharmacy may adopt rules and regulations necessary to ensure compliance with this subsection.~~

## ~~5. AUDIT~~

### ~~I. DEFINITIONS:~~

- ~~A. "Entity" means a pharmacy benefit manager, a managed care company, a health plan sponsor, an insurance company, a third party payor, or any company, group or agent that represents or is engaged by those entities.~~
- ~~B. "Health insurance plan" means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer.~~
- ~~C. "Individual prescription" means the original prescription for a drug signed by the prescriber, and excludes refills referenced on the prescription.~~

~~D. "Pharmacy benefit manager" means a business that administers the prescription drug/device portion of pharmacy benefit management plans or health insurance plans on behalf of plan sponsors, insurance companies, unions and health maintenance organizations. Pharmacy benefit managers may also provide some, all, but may not be limited to, the following services either directly or through outsourcing or contracts with other entities:~~

- ~~(i) Adjudicate drug claims or any portion of the transaction.~~
- ~~(ii) Contract with retail and mail pharmacy networks.~~
- ~~(iii) Establish payment levels for pharmacies.~~
- ~~(iv) Develop formulary or drug list of covered therapies.~~
- ~~(v) Provide benefit design consultation.~~
- ~~(vi) Manage cost and utilization trends.~~
- ~~(vii) Contract for manufacturer rebates.~~
- ~~(viii) Provide fee-based clinical services to improve member care.~~
- ~~(ix) Third-party administration.~~

~~E. "Pharmacy benefit management plan" means an arrangement for the delivery of pharmacist's services in which a pharmacy benefit manager undertakes to administer the payment or reimbursement of any of the costs of pharmacist's services for an enrollee on a prepaid or insured basis that (i) contains one or more incentive arrangements intended to influence the cost or level of pharmacist's services between the plan sponsor and one or more pharmacies with respect to the delivery of pharmacist's services; and (ii) requires or creates benefit payment differential incentives for enrollees to use under contract with the pharmacy benefit manager.~~

~~F. "Pharmacist," "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.~~

~~Sections 73-21-175 through 73-21-189 shall apply to any audit of the records of a pharmacy conducted by a managed care company, nonprofit hospital or medical service organization, insurance company, third-party payor, pharmacy benefit manager, a health program administered by a department of the state or any entity that represents those companies, groups, or department.~~

## ~~II. Audit procedures; written report; report requirements~~

~~A. The entity conducting an audit shall follow these procedures:~~

- ~~i. The pharmacy contract must identify and describe in detail the audit procedures;~~
- ~~ii. The entity conducting the on-site audit must give the pharmacy written notice at least two (2) weeks before conducting the initial on-site audit for each audit cycle, and the pharmacy shall have at least fourteen (14) days to respond to any desk audit requirements;~~



- iii. ~~The entity conducting the on-site or desk audit shall not interfere with the delivery of pharmacist services to a patient and shall utilize every effort to minimize inconvenience and disruption to pharmacy operations during the audit process;~~
- iv. ~~Any audit that involves clinical or professional judgment must be conducted by or in consultation with a pharmacist;~~
- v. ~~Any clerical or record keeping error, such as a typographical error, scrivener's error, or computer error, regarding a required document or record shall not constitute fraud; however, those claims may be subject to recoupment. No such claim shall be subject to criminal penalties without proof of intent to commit fraud;~~
- vi. ~~A pharmacy may use the records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug;~~
- vii. ~~A finding of an overpayment or an underpayment may be a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs, except that recoupment shall be based on the actual overpayment or underpayment;~~
- viii. ~~A finding of an overpayment shall not include the dispensing fee amount unless a prescription was not dispensed;~~
- ix. ~~Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity;~~
- x. ~~The period covered by an audit may not exceed two (2) years from the date the claim was submitted to or adjudicated by a managed care company, nonprofit hospital or medical service organization, insurance company, third party payor, pharmacy benefit manager, a health program administered by a department of the state or any entity that represents those companies, groups, or department;~~
- xi. ~~An audit may not be initiated or scheduled during the first five (5) calendar days of any month due to the high volume of prescriptions filled in the pharmacy during that time unless otherwise consented to by the pharmacy;~~
- xii. ~~Any prescription that complies with state law and rule requirements may be used to validate claims in connection with prescriptions, refills or changes in prescriptions;~~
- xiii. ~~An exit interview that provides a pharmacy with an opportunity to respond to questions and comment on and clarify findings must be conducted at the end of an audit. The time of the interview must be agreed to by the pharmacy;~~
- xiv. ~~Unless superseded by state or federal law, auditors shall only have access to previous audit reports on a particular pharmacy conducted by the auditing entity for the same pharmacy benefits manager, health plan or insurer. An auditing vendor contracting with multiple pharmacy benefits managers or health insurance plans shall not use audit reports or other information gained from an audit on a particular pharmacy to conduct another audit for a different pharmacy benefits manager or health insurance plan;~~

- xv. — ~~The parameters of an audit must comply with consumer-oriented parameters based on manufacturer listings or recommendations for the following:~~
  - (a) — ~~The day supply for eyedrops must be calculated so that the consumer pays only one (1) thirty-day copayment if the bottle of eyedrops is intended by the manufacturer to be a thirty-day supply;~~
  - (b) — ~~The day supply for insulin must be calculated so that the highest dose prescribed is used to determine the day supply and consumer copayment;~~
- xvi. — ~~The day supply for a topical product must be determined by the judgment of the pharmacist based upon the treated area;~~
- xvii. — (a) ~~Where an audit is for a specifically identified problem that has been disclosed to the pharmacy, the audit shall be limited to claims that are identified by prescription number;~~
  - (b) ~~For an audit other than described in subparagraph (a) of this paragraph, an audit shall be limited to one hundred (100) individual prescriptions that have been randomly selected;~~
  - (c) ~~If an audit reveals the necessity for a review of additional claims, the audit shall be conducted on site;~~
  - (d) ~~Except for audits initiated under paragraph (a) of this subsection, an entity shall not initiate an audit of a pharmacy more than one (1) time in any quarter;~~
- xviii. — ~~A recoupment shall not be based on:~~
  - (a) ~~Documentation requirements in addition to or exceeding requirements for creating or maintaining documentation prescribed by the State Board of Pharmacy; or~~
  - (b) ~~A requirement that a pharmacy or pharmacist perform a professional duty in addition to or exceeding professional duties prescribed by the State Board of Pharmacy;~~
- xiv. — ~~Except for Medicare claims, approval of drug, prescriber or patient eligibility upon adjudication of a claim shall not be reversed unless the pharmacy or pharmacist obtained the adjudication by fraud or misrepresentation of claim elements; and~~
- xv. — ~~A commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.~~

III. ~~The entity must provide the pharmacy with a written report of the audit and comply with the following requirements:~~

- A. ~~The preliminary audit report must be delivered to the pharmacy within one hundred twenty (120) days after conclusion of the audit, with a reasonable extension to be granted upon request;~~
- B. ~~A pharmacy shall be allowed at least thirty (30) days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during the audit, with a reasonable extension to be granted upon request;~~

~~C. A final audit report shall be delivered to the pharmacy within one hundred eighty (180) days after receipt of the preliminary audit report or final appeal, as provided for in Section 73-21-185, whichever is later;~~

~~D. The audit report must be signed by the auditor;~~

~~E. Recoupments of any disputed funds, or repayment of funds to the entity by the pharmacy if permitted pursuant to contractual agreement, shall occur after final internal disposition of the audit, including the appeals process as set forth in Section 73-21-185. If the identified discrepancy for an individual audit exceeds Twenty five Thousand Dollars (\$ 25,000.00), future payments in excess of that amount to the pharmacy may be withheld pending finalization of the audit;~~

~~F. Interest shall not accrue during the audit period; and~~

~~G. Each entity conducting an audit shall provide a copy of the final audit report, after completion of any review process, to the plan sponsor.~~

#### ~~IV. Appeals; dismissal of audit report; mediation of unresolved issues~~

~~A. Each entity conducting an audit shall establish a written appeals process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.~~

~~B. If, following the appeal, the entity finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or that portion without the necessity of any further action.~~

~~C. If, following the appeal, any of the issues raised in the appeal are not resolved to the satisfaction of either party, that party may ask for mediation of those unresolved issues. A certified mediator shall be chosen by agreement of the parties from the Court Annexed Mediators List maintained by the Mississippi Supreme Court.~~

#### ~~V. Use of extrapolation in calculating recoupments or penalties prohibited:~~

~~Notwithstanding any other provision in Sections 73-21-175 through 73-21-189, the entity conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits. An extrapolation audit means an audit of a sample of prescription drug benefit claims submitted by a pharmacy to the entity conducting the audit that is then used to estimate audit results for a larger batch or group of claims not reviewed by the auditor.~~

#### ~~VI. Limitation of applicability of Sections 73-21-175 through 73-21-189~~

~~Sections 73-21-175 through 73-21-189 do not apply to any audit, review or investigation that involves alleged fraud, willful misrepresentation or abuse.~~



~~VII. Penalty for noncompliance:~~

- ~~A. The State Board of Pharmacy may impose a monetary penalty on pharmacy benefit managers for noncompliance with the provisions of the Pharmacy Audit Integrity Act, Sections 73-21-175 through 73-21-189, in amounts of not less than One Thousand Dollars (\$1,000.00) per violation and not more than Twenty-five Thousand Dollars (\$25,000.00) per violation. The board shall prepare a record entered upon its minutes which states the basic facts upon which the monetary penalty was imposed. Any penalty collected under this subsection (1) shall be deposited into the special fund of the board.~~
- ~~B. The board may assess a monetary penalty for those reasonable costs that are expended by the board in the investigation and conduct of a proceeding if the board imposes a monetary penalty under subsection (1) of this section. A monetary penalty assessed and levied under this section shall be paid to the board by the licensee, registrant or permit holder upon the expiration of the period allowed for appeal of those penalties under Section 73-21-101, or may be paid sooner if the licensee, registrant or permit holder elects. Money collected by the board under this subsection (2) shall be deposited to the credit of the special fund of the board.~~

~~When payment of a monetary penalty assessed and levied by the board against a licensee, registrant or permit holder in accordance with this section is not paid by the licensee, registrant or permit holder when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, registrant or permit holder, or if the licensee, registrant or permit holder is a nonresident of the State of Mississippi, in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When those proceedings are instituted, the board shall certify the record of its proceedings, together with all documents and evidence, to the chancery court and the matter shall be heard in due course by the court, which shall review the record and make its determination thereon in accordance with the provisions of Section 7321-101. The hearing on the matter may, in the discretion of the chancellor, be tried~~

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

**ARTICLE XLV PHARMACY BENEFIT MANAGER**

Pharmacy Benefit Managers must comply with all federal and state laws and regulations which include, but is not limited to:

- Mississippi Pharmacy Practice Act §§ 73-21-69 to 73-21-129
- Pharmacy Benefit Prompt Pay Act §§ 73-21-151 to 73-21-163
- Pharmacy Audit Integrity Act §§ 73-21-175 to 73-21-191
- Prescription Drugs Consumer Affordable Alternative Payment Options Act §§ 73-21-201 to 73-21-205

LICENSE REQUIRED BEFORE CONDUCTING BUSINESS AS PHARMACY BENEFIT MANAGER; PHARMACY BENEFIT MANAGERS TO FILE CERTAIN FINANCIAL STATEMENTS WITH STATE BOARD OF PHARMACY; TIME PERIOD FOR FILING STATEMENTS

- A. Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license from the board. To obtain a license, the applicant shall submit an application to the board on a form prescribed by the board. The application shall include, but not be limited to:
- i. The identity of the pharmacy benefit manager and any company or organization controlling the operation of the pharmacy benefit manager, including the name, business address, and contact person and direct contact information for the pharmacy benefit manager and the controlling entity.
  - ii. A current "Certificate of Good Standing" from the Mississippi Secretary of State.
  - iii. In the case of a pharmacy benefit manager domiciled out of the State of Mississippi, a certificate that the pharmacy benefit manager, controlling company or organization is in good standing in the state of domicile or organization.
  - iv. A report of the details of any suspension, sanction, penalty or other disciplinary action relating to the pharmacy benefit manager, controlling company or organization, in the State of Mississippi or any other state, territory or country.
  - v. The pharmacy benefit manager shall report all previous data security breaches and HIPAA security breaches.
  - vi. The name and address of the agent of record or for services of process for the pharmacy benefit manager in Mississippi.
  - vii. A list of the pharmacy benefit manager's principal owners.
  - viii. The geographical services area of the pharmacy benefit manager.
  - ix. A current list of all entities on whose behalf the pharmacy benefit manager has contracts or agreements to provide pharmacy benefit services.
  - x. The number of total enrollees or lives served under all of the pharmacy benefit manager's contracts or agreements in Mississippi and nationwide.
  - xi. A contingency plan describing how contracted pharmacy benefit services will be provided in the event of insolvency of the pharmacy benefit manager.

- xii. The most recently concluded fiscal year-end financial statements for the pharmacy benefit manager and its controlling company or organization, which statements have been audited by an independent certified public accountant (CPA) under U.S. generally accepted accounting principles (GAAP).
  - xiii. The names and addresses of the public accounting firm and internal accountant(s) preparing or assisting in the preparation of such financial statements.
  - xiv. A certificate signed by the Chief Executive Officer of the pharmacy benefit manager, or equivalent administrator with the authority to speak on behalf of the company, attesting to the accuracy of the information contained in the filing.
- B. A non-refundable license fee of Five Hundred Dollars (\$500.00) must accompany each application for the application to be considered complete.
- C. The Pharmacy Benefit Manager license shall be an annually renewable license expiring on December 31st of each calendar year. 'Pro rata' pharmacy benefit manager licenses are not allowed by the Board.
- D. A completed application, along with online fee payment, for an initial or a renewal of a Pharmacy Benefit Manager license must be received through the Mississippi Board of Pharmacy online licensing renewal gateway no later than 12:00 o'clock pm CDT December 31st annually. In the event that a pharmacy benefit manager license renewal is received after December 31st, a Five Hundred Dollars (\$500.00) late fee will be assessed and payment must be received by the Board before a license will be issued.
- E. A monetary penalty of One Thousand Dollars (\$1000.00) per day may be imposed upon any Pharmacy Benefit Manager that practices or conducts business in the State of Mississippi without a license.