

MISSISSIPPI BOARD OF PHARMACY

MINUTES

May 11, 2022

The Mississippi Board of Pharmacy (Board) met at 10:00 a.m. on Wednesday, May 11, 2022 at the Board offices, 6360 I-55 N. Suite 400, Jackson, MS 39211. The following members were present: Larry Calvert – President, Guy Phillips – Vice-President, Todd Barrett – Secretary, Jillian Foster, Tony Waits, Ryan Harper and Ronnie Bagwell.

RESPONDENTS

Joseph M. Andrews, Pharmacy Technician Registration Number PT-221710
After an administrative hearing on this matter, the Board issued the attached Order.

Seburn B. Brasher, Jr., Pharmacy Technician Registration Number PT-220262
After an administrative hearing on this matter, the Board issued the attached Order.

Brandy N. Parker, Pharmacy Technician Registration Number PT-012362
After an administrative hearing on this matter, the Board issued the attached Order.

Walgreen's #09037, Permit to Operate a Pharmacy, Permit Number 06388/1.2
After an administrative hearing on this matter, the Board issued the attached Order.

Aetna Health Management, LLC, an unlicensed pharmacy benefit manager
After an administrative hearing on this matter, the Board issued the attached Order.

The Board considered charges against the following respondents:

Olympia Pharmacy, an unpermitted sterile product outsourcer

Olympia Pharmacy, Pharmacy Permit Number 14744/7.1

After discussion, the Board voted unanimously to refer the matters back to the Investigative Review Committee for appropriate action.

The Board adjourned at 5:00 p.m.

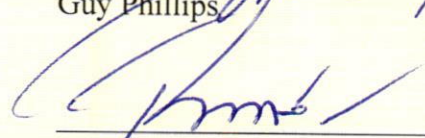
These May 11, 2022, MINUTES of the Board are hereby approved this the 21st day of July 2022.



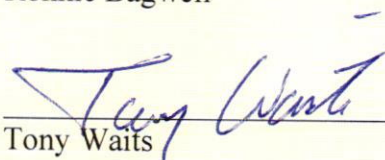
Guy Phillips



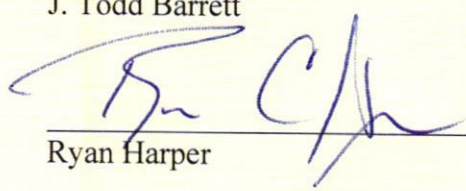
Ronnie Bagwell




J. Todd Barrett



Tony Waits



Ryan Harper



Jillian Foster

Mississippi Board of Pharmacy
May 11, 2022

AGENDA

I. CALL TO ORDER/ESTABLISH A QUORUM

- PRAYER AND PLEDGE
- WELCOME AND SPECIAL INTRODUCTIONS

II. RESPONDENTS

- | | |
|---------------------------|------------|
| • Joseph M. Andrews | Surrender |
| • Sebrun Brasher | Surrender |
| • Brandy N. Parker | Respondent |
| • Olympia Pharmacy | Respondent |
| • Walgreen's #09037 | Respondent |
| • Aetna Health Management | Respondent |

Came on May 11, 2022, the matter of Joseph M. Andrews, Pharmacy Technician Registration Number PT-221710, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Guy Phillips and Ronnie Bagwell served on the Investigative Review Committee and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF REGISTRATION**

IN THE MATTER OF:

JOSEPH M. ANDREWS
248 DEBUYS ROAD, APT. 60
BILOXI, MS 39531

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-221710
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Joseph M. Andrews, Pharmacy Technician Registration Number PT-221710, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Joseph M. Andrews, Pharmacy Technician Registration Number PT-221710, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O

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

Specifically, Joseph M. Andrews, Pharmacy Technician Registration Number PT-221710 admitted to the theft of controlled substances from the pharmacy where he worked. Andrews voluntarily surrendered his technician registration on October 7, 2021.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-221710, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered his pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-221710.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-221710 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.

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ORDERED AND AGREED TO, this the 11th day of May 2022.

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

Joseph Andrews

PT-221710

5-11-22

Came on May 11, 2022, the matter of Seburn B. Brasher, Jr., Pharmacy Technician Registration Number PT-220262, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits served on the Investigative Review Committee and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF REGISTRATION**

IN THE MATTER OF:

SEBURN B. BRASHER, JR.
482 PATRICIA DRIVE
WATER VALLEY, MS 38965

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-220262
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Seburn B. Brasher, Jr., Pharmacy Technician Registration Number PT-220262, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Seburn B. Brasher, Jr., Pharmacy Technician Registration Number PT-220262, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O

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

Specifically, Seburn B. Brasher, Jr., Pharmacy Technician Registration Number PT-220262 admitted to the theft of controlled substances from the pharmacy where he worked. Brasher voluntarily surrendered his technician registration on November 3, 2021.

FINDINGS OF FACT

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

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-220262, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered his pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-220262.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-220262 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.

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ORDERED AND AGREED TO, this the 11th day of May 2022.

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

Sebrun Brasher

PT-220-262

05-11-2022

Came on May 11, 2022, the matter of Brandy N. Parker, Pharmacy Technician Registration Number PT-012362, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Guy Phillips and Ronnie Bagwell served on the Investigative Review Committee and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF REGISTRATION**

IN THE MATTER OF:

BRANDY N. PARKER
7 KENDALL CIRCLE
PURVIS, MS 39475

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-012362

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Brandy N. Parker, Pharmacy Technician Registration Number PT-012362, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Brandy N. Parker, Pharmacy Technician Registration Number PT-012362, is alleged to have committed the following violations:

Count 1:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O

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

Specifically, Brandy N. Parker, Pharmacy Technician Registration Number PT-012362 was terminated for theft of funds from the pharmacy where she worked.

Count 2:

Mississippi Pharmacy Practice Regulations, Article XL, Paragraph 1. L:

Each technician registered with the Board shall notify the Board in writing within 10 days of change of employment or change of address.

Specifically, Brandy N. Parker, Pharmacy Technician Registration Number PT-012362 did not notify the Board of her change of employment.

FINDINGS OF FACT

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

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

- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-012362, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violations as charged.

FINAL ORDER OF THE BOARD

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

- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-012362 is revoked.
- Pursuant to Section 73-21-103 (1)(d)(iii), Mississippi Code of 1972, Annotated, the Board assesses a monetary penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for the cost of the investigation and conducting a hearing. Respondent shall pay this amount prior to petitioning the Board for reinstatement of her registration.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.

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ORDERED AND AGREED TO, this the 11th day of March 2022.

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

Brandy Parker

PT-012362

05-11-22

Came on May 11, 2022, the matter of Walgreen's #09037, Permit to Operate a Pharmacy, Permit Number 06388/1.2, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ryan Harper and Larry Calvert served on the Investigative Review Committee and did not participate in this hearing.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

WALGREEN'S #09037
419 N. 16TH AVENUE
LAUREL, MS 39440

PERMIT TO OPERATE A PHARMACY NUMBER 06388/1.2

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Walgreen's #09037, Pharmacy Permit Number 06388/1.2, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Walgreen's #09037, Pharmacy Permit Number 06388/1.2, is alleged to have committed the following violations:

Count 1:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1, A. 10:

The Board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit or any person upon one or more of the following grounds:

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

10. Filing a claim or assisting in the filing of a claim for reimbursement for drugs or professional services which were not provided or which were not authorized to be provided.

Specifically, Walgreens administered a Covid-19 vaccine to a patient on August 6, 2021, without proper authorization.

Count 2:

Mississippi Pharmacy Practice Regulations Article VIII, RESPONSIBILITY OF PHARMACIST/PHARMACIST CARE, Paragraph 1, B:

1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:

B. In the dispensing of drugs from a pharmacy, it shall be the responsibility of the supervising pharmacist to prevent the pharmacy technician from performing those functions relative to dispensing which are functions based on a judgment for which the

pharmacy technician has not been prepared by education or authorized by law or regulation.

Specifically, on August 6, 2021, a pharmacy technician received an order for a vaccine and entered it into the pharmacy computer. The pharmacy technician then administered the vaccine without sufficient pharmacist oversight or supervision.

Count 3:

Mississippi Pharmacy Practice Regulations Article VIII, RESPONSIBILITY OF PHARMACIST/PHARMACIST CARE, Paragraph 1, D:

1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:

D. In all instances where the services of pharmacy technicians are utilized in the preparation of a drug for delivery to a patient, a pharmacist shall be present and personally supervise the pharmacy technician and shall be responsible for the correct preparation and delivery of the drug to the patient. All drugs dispensed utilizing the services of a pharmacy technician shall be properly labeled and identify the responsible supervising pharmacist.

Specifically, on August 6, 2021, a pharmacy technician received an order for a vaccine and entered it into the pharmacy computer. The pharmacy technician then administered the vaccine without sufficient pharmacist oversight or supervision.

Count 4:

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

Y. Any act by any person which subverts the authority of the pharmacist-in-charge by impeding the management of the prescription department or the practice of pharmacy in the compliance with federal and state drug or pharmacy laws and regulations

Specifically, Walgreens does not provide enough staff to meet the workload demands which subverts the authority to the pharmacist-in-charge to properly comply with the regulations for vaccine administration.

Count 5:

Mississippi Pharmacy Practice Regulations Article VII, RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC), Paragraphs 1. B. (3) and 1. B. (5):

1. The person who signs the application for a pharmacy permit or the renewal of a pharmacy permit shall be the pharmacist-in-charge (PIC) for that facility.

B. Responsibilities of the Pharmacist-in-Charge:

(3) That trained supportive staff shall be maintained to meet the demands of the practice site, workload and the clientele served;

- (5) That if quotas or formulas such as prescription volume are used to set staffing, conditions such as peak workload periods, workplace design and the training of staff must be taken into consideration.

Specifically, Walgreens does not provide enough trained staff to meet the pharmacy service demands. Walgreens allots 119 pharmacist service hours but only provides two staff pharmacists which does not provide enough staff to meet the demand of 700-800 prescriptions per day and 60-70 vaccinations per day. Pharmacists are not reviewing the VAR registry prior to approving the vaccine for administration.

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 evidence presented at the hearing does not support the the violations as charged.

FINAL ORDER OF THE BOARD

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

All charges brought in this matter are dismissed.

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ORDERED AND AGREED TO, this the 11th day of May 2022.

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

Walgreen's Laurel

F-06388-1.1

05-11-22

Came on May 11, 2022, the matter of Aetna Health Management, LLC ("Aetna"), 151 Farmington Ave., Hartford, CT 06156, an unlicensed pharmacy benefit manager, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ryan Harper and Larry Calvert served on the Investigative Review Committee and did not participate in this hearing. Board member Todd Barrett recused himself from the hearing.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

AETNA HEALTH MANAGEMENT, LLC
151 FARMINGTON AVE.
HARTFORD, CT 06156

LICENSE TO OPERATE AS A PHARMACY BENEFIT MANAGER

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Aetna Health Management, LLC ("Aetna"), 151 Farmington Ave., Hartford, CT 06156, an unlicensed pharmacy benefit manager, pursuant to Section 73-21-103, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Aetna Health Management, LLC ("Aetna"), is alleged to have committed the following violations:

COUNT 1

Mississippi Code of 1972, Section 73-21-157 (1):

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

Specifically, an investigation by the Pharmacy Benefit Manager Division of the Mississippi Board of Pharmacy revealed that, despite surrendering its license on June 6, 2019, Aetna was doing business in the State of Mississippi as a pharmacy benefit manager from July 2021 through August 2021 and had not obtained or renewed its license to do business as a pharmacy benefit manager in the State of Mississippi during that time frame.

COUNT 2

Miss. Code. Ann. § 73-21-161 provides:

- (1) As used in this section, the term "referral" means:**
 - (a) Ordering of a patient to a pharmacy by a pharmacy benefit manager affiliate either orally or in writing, including online messaging;**
 - (b) Offering or implementing plan designs that require patients to use affiliated pharmacies; or**

- (c) Patient or prospective patient specific advertising, marketing, or promotion of a pharmacy by an affiliate.

The term "referral" does not include a pharmacy's inclusion by a pharmacy benefit manager affiliate in communications to patients, including patient and prospective patient specific communications, regarding network pharmacies and prices, provided that the affiliate includes information regarding eligible nonaffiliate pharmacies in those communications and the information provided is accurate.

- (2) A pharmacy, pharmacy benefit manager, or pharmacy benefit manager affiliate licensed or operating in Mississippi shall be prohibited from:
- (a) Making referrals;
 - (b) Transferring or sharing records relative to prescription information containing patient identifiable and prescriber identifiable data to or from a pharmacy benefit manager affiliate for any commercial purpose; however, nothing in this section shall be construed to prohibit the exchange of prescription information between a pharmacy and its affiliate for the limited purposes of pharmacy reimbursement; formulary compliance; pharmacy care; public health activities otherwise authorized by law; or utilization review by a health care provider; or
 - (c) Presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate.
- (3) This section shall not be construed to prohibit a pharmacy from entering into an agreement with a pharmacy benefit manager affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of subsection (2) of this section and the pharmacy provides the disclosures required in subsection (1) of this section.
- (4) If a pharmacy licensed or holding a nonresident pharmacy permit in this state has an affiliate, it shall annually file with the board a disclosure statement identifying all such affiliates.
- (5) In addition to any other remedy provided by law, a violation of this section by a pharmacy shall be grounds for disciplinary action by the board under its authority granted in this chapter.

Specifically, an investigation by the Mississippi Board of Pharmacy revealed a patient in Mississippi received a letter from Aetna Health Management, LLC requiring the patient to use an affiliated pharmacy for refills of her prescription medication. This amounts to a referral and a violation of Miss. Code. Ann. § 73-21-161(2)(a).

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 surrendered its pharmacy benefit manager's license in June 2019.
- (4) The Respondent performed pharmacy benefit manager services by performing third-party administration of pharmacy benefits for MetLife Medical Plan, specifically by adjudicating

pharmacy claims, communicating pharmacy benefits to plan beneficiaries through written correspondence and by providing toll-free telephone numbers, by providing a website (www.aetna.com) to help plan beneficiaries choose providers covered by the plan, by contacting a plan beneficiary's doctor to facilitate the transfer of a prescription from one pharmacy to another, administering the pharmacy benefit Maintenance Choice program, and other services.

- (5) The Respondent performed pharmacy benefit manager services for a time period of at least thirty-one (31) days from July 10, 2021 through August 9, 2021. Each day is considered a separate violation.
- (6) The Respondent implemented and enforced a plan design that required patients to use affiliated pharmacies for certain prescriptions which constituted a prohibited "referral" in violation of Mississippi Code Section 73-21-161.

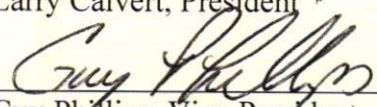
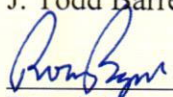
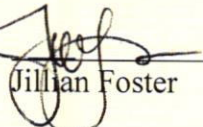
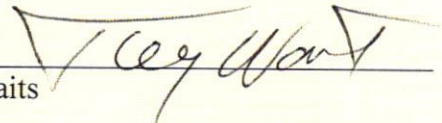
FINAL ORDER OF THE BOARD

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 73-21-161(2), Respondent shall pay a monetary penalty in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each day the Respondent was in violation of Count 1. The Respondent violated Count 1 for thirty-one (31) days, therefore the monetary penalty for Count 1 is Seven Hundred Seventy-Five Thousand Dollars (\$775,000.00)
- Pursuant to Section 73-21-161(2), Respondent shall pay a monetary penalty in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for Count 2.
- The total monetary penalty of Eight Hundred Thousand Dollars (\$800,000.00) shall be payable by the Respondent within thirty (30) days of receipt of this Order.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 11th day of May 2022.

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

Aetna Health Management

05-11-22