

MISSISSIPPI BOARD OF PHARMACY

MINUTES

May 12, 2022

The Mississippi Board of Pharmacy (Board) met at 9:05 a.m. on Thursday, May 12, 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, Ryan Harper, Tony Waits and Ronnie Bagwell.

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 March 17, 2022, of the Mississippi Board of Pharmacy.
- ❖ Requests for approval of the following pharmacy continuing education programs:
 - PROGRAM NUMBER 003-022-022-001, **“10th Annual Stroke Symposium”**, as requested by Heather Sudduth for 6.5 clock hours of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 003-022-022-002, **“Aminoglycosides/Antiepileptics”**, as requested by Austin Fitts for 1 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 003-023-022-001, **“Institute for Safe Medication Practices (ISMP) 2021”**, as requested by Jon Arnold for 0.5 clock hours of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 003-025-022-001, **“Critical Care Pharmacy Updates”**, as requested by Luke Pannell for 1 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 004-008-022-001, **“Certified Diabetes Care and Education Specialists Preparatory Courses”**, as requested by Susan Hart for 8.6 clock hours of LIVE pharmacist continuing education credit
 - PROGRAM NUMBER 004-013-022-001, **“2022 Mississippi NADDI Chapter Pharmaceutical Diversion Training”**, as requested by Todd Dear for 6 clock hours of LIVE pharmacist continuing education credit and 4 clock hours of Opioid/Addiction Pharmacist continuing education credit.
 - PROGRAM NUMBER 004-013-022-002, **“Chronic Liver Disease”**, as requested by Carlos Magana for 0.5 clock hours of LIVE pharmacist continuing education credit

- PROGRAM NUMBER 004-013-022-003, "**Chronic Kidney Disease/End Stage Renal Disease**", as requested by Carlos Magana for 0.5 clock hours of LIVE pharmacist continuing education credit
- PROGRAM NUMBER 004-013-022-004, "**Antimicrobial Resistant Gram-Negative Infections: Mechanisms and Man**", as requested by Lindsey Lepard for 1 clock hours of LIVE pharmacist continuing education credit
- PROGRAM NUMBER 004-022-022-001, "**Updates in Cardiology**", as requested by William Stepp for 1 clock hour of LIVE pharmacist continuing education credit
- PROGRAM NUMBER 005-005-022-001, "**Diabetes Coalition of Mississippi: quarterly meeting**", as requested by Madison Moore for 1 clock hour of LIVE pharmacist continuing education credit
- "**MSHP Annual Meeting**", as requested by Phil Ayers for 8 clock hours of Consultant Pharmacist Certificate continuing education credit

❖ Approval of Issuance of Pharmacists Licenses

❖ Travel Requests:

- Quarles and Brady Annual Pharmacy Symposium, Susan McCoy
- NASCSA, October 24-27, Salt Lake City, Stephanie Mueller, Sid Seal

❖ Consultant Waiver Requests

- Charles Gallagher
- Ryan Allen
- Caitlin Duncan Etheridge
- Makayla Pearson
- Kylie Hart
- Denise C. Hendry

❖ Green County Hospital PIC Waiver Request Carman Walley

EXECUTIVE DIRECTOR REPORT

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

REGULATION WORKING GROUP

Todd Dear, Associate Director, presented the following proposed amendments to the regulations:

- Shared Services

The Board adopted the changes to the regulations without objection.

NEW BUSINESS

There was no new business presented to the Board.

GENERAL BUSINESS

The Board elected the following officers:

President – Todd Barrett
Vice-President – Ronnie Bagwell
Secretary – Ryan Harper

RESPONDENTS

Austin W. McQuirk, License to Practice Pharmacy, Registration Number E-16110
After an administrative hearing on this matter, the Board issued the attached Order.

CVS Pharmacy #8992, Permit to Operate as a Pharmacy, Permit Number 08186/1.2
After an administrative hearing on this matter, the Board issued the attached Order.

CVS Pharmacy #4993, Permit to Operate as a Pharmacy, Permit Number 08266/1.2
After an administrative hearing on this matter, the Board issued the attached Order.

Clinton E. Bane, License to Practice Pharmacy, Registration Number E-07204 and
Clint's Pharmacy, Permit to Operate a Pharmacy, Permit Number 01781/1.1
After an administrative hearing on this matter, the Board issued the attached Order.

PETITIONERS

Heather Vaughn, Pharmacist Certificate of Registration Number T-013702

After an administrative hearing on this matter, the Board table the matter until the next Board meeting.

Ashokkumar P. Patel, Pharmacy Technician Registration Number PT-220662

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

Kristen Russell, Pharmacist Certificate of Registration Number E-12594

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

Courtney E. Wood, Pharmacy Technician Applicant

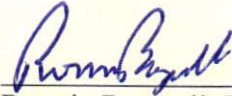
After an administrative hearing on this matter, the Board issued the attached Order.

The Board adjourned at 11:30 a.m.

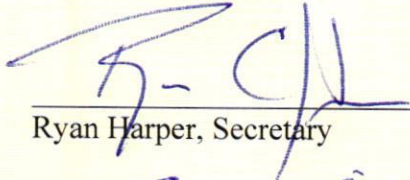
These May 12, 2022, MINUTES of the Board are hereby approved this the 21st day of July 2022.



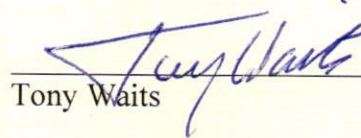
J. Todd Barrett, President



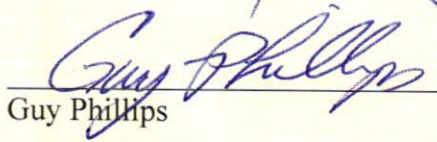
Ronnie Bagwell, Vice-President



Ryan Harper, Secretary



Tony Waits



Guy Phillips



Jillian Foster

Mississippi Board of Pharmacy

May 12, 2022

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
- Travel Request
 - Quarles and Brady Annual Pharmacy Symposium, Susan McCoy
 - NASCSA, October 24-27, Salt Lake City, Stephanie Mueller, Sid Seal
- Consultant Waiver Requests
 - Charles Gallagher
 - Ryan Allen
 - Caitlin Duncan Etheridge
 - Makayla Pearson
 - Kylie Hart
 - Denise C. Hendry
- Green County Hospital PIC Waiver Request Carman Walley

- Board meeting dates thru December 2022
 - July 21, 2022
 - September 15, 2022
 - November 17, 2022

III. EXECUTIVE DIRECTOR REPORT

IV. REGULATION WORKING GROUP

- Shared Services

V. GENERAL BUSINESS

- Election of Board Officers

VI. NEW BUSINESS

VII. RESPONDENTS

- | | |
|----------------------|------------|
| • Austin McQuirk | Respondent |
| • CVS Pharmacy #8992 | Respondent |
| • CVS Madison | Respondent |
| • Clint Bane | Respondent |
| • Clint's Pharmacy | Respondent |

VIII. PETITIONERS

- | | |
|-------------------|------------|
| • Kimberly Pierce | Petitioner |
| • Markus Coleman | Petitioner |
| • Rachel Wells | Petitioner |

Came on May 12, 2022, the matter of Austin W. McQuirk, License to Practice Pharmacy, Certificate of Registration Number E-16110, 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 LICENSE**

IN THE MATTER OF:

AUSTIN W. MCQUIRK
303 PENROSE PLACE
MADISON, MS 39110

LICENSE TO PRACTICE PHARMACY NUMBER E-16110

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Austin W. McQuirk, License to Practice Pharmacy, Certificate of Registration Number E-16110, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Austin W. McQuirk, License to Practice Pharmacy, Certificate of Registration Number E-16110, is alleged to have committed the following violation:

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, Austin W. McQuirk, License to Practice Pharmacy, Certificate of Registration Number E-16110, was arrested for DUI on October 10, 2020 and again on March 28, 2021. McQuirk surrendered his license on March 28, 2022.

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-13110, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.

- (6) The Respondent voluntarily surrendered his pharmacist license.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of License to Practice Pharmacy, Certificate of Registration Number E-16110.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-16110 is revoked.
- 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) and the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) shall be paid by the Respondent prior to the reinstatement of his license.

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ORDERED AND AGREED TO, this the 12th 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>	<u>✓</u>	<u> </u>	<u> </u>
<u>IRC</u> Tony Waits	<u> </u>	<u> </u>	<u>IRC</u>

Austin McQuirk

E-16110

05-12-2022

On May 12, 2022, came the matter of CVS Pharmacy #8992, Permit to Operate as a Pharmacy, Permit Number 08186/1.2, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

CVS PHARMACY #8992
702 WEST MAIN STREET
TUPELO, MS 38804

PERMIT TO OPERATE AS A PHARMACY NUMBER 08186/1.2

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of CVS Pharmacy #8992, Permit to Operate as a Pharmacy, Permit Number 08186/1.2, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

CVS Pharmacy #8992, Permit to Operate as a Pharmacy, Permit Number 08186/1.2, is alleged to have committed the following violation:

Mississippi Pharmacy Practice Regulations Article IX ACTION AGAINST PERMITS, Paragraph 1, B:

1. The Board of Pharmacy may refuse to issue or renew, or may suspend, summarily suspend, place on probation, revoke, reprimand, or restrict the permit of any permitted facility and/or impose a monetary penalty upon one or more of the following grounds:
 - B. Any act by any person in the conduct of the activities of the facility which is a violation of the rules and regulations of the Board of Pharmacy.

Mississippi Pharmacy Practice Regulations Article VIII RESPONSIBILITY OF PHARMACIST/PHARMACIST CARE, paragraph 1, C. (5):

1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:
 - C. In the dispensing of medications for ambulatory (or outpatients):
 - (5) A pharmacist shall not actively supervise more than three pharmacy technicians at one time.

Specifically, on December 7, 2021, Compliance Agent Sid Seal observed five (5) pharmacy technicians working with only one pharmacist on duty at the time.

SETTLEMENT AGREEMENT

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

FINDINGS OF FACT

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

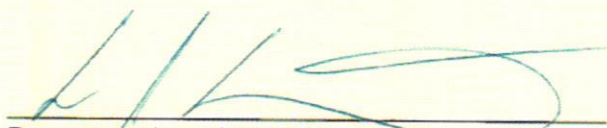
- (1) That the Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law;
- (2) That the Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 08186/1.2, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated;
- (3) That the Respondent does not contest the violation as charged, and,
- (4) That the Respondent agrees to the disciplinary action stated below as imposed by the Board.

FINAL ORDER OF THE BOARD

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

- Respondent shall pay a monetary penalty in the amount of Six Thousand Dollars (\$6,000.00) as a settlement of all claims alleged by the Board in this matter.
- Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary settlement and cost of investigation shall be Six Thousand Two Hundred Fifty Dollars (\$6,250.00). The monetary settlement and cost of investigation is due and payable in the office of the Board within thirty (30) days of receipt of this Order.

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



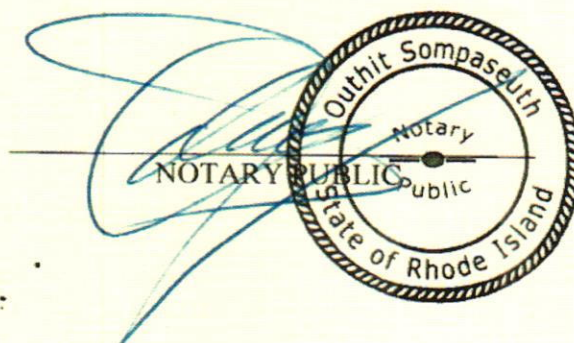
Representative of CVS Pharmacy

SUBSCRIBED AND SWORN TO, in my presence, this 9th day of JUNE, 2022.

MY COMMISSION EXPIRES

Outhit Sompaseuth
Notary Public
State of Rhode Island

10/14/2024



ORDERED AND AGREED TO, this the 12th day of May 2022.

	AYE	NAY	RECUSE
<u>Larry Calvert, President</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Guy Phillips, Vice-President</u>	<u>X</u>	<u>_____</u>	<u>_____</u>
<u>J. Todd Barrett, Secretary</u>	<u>X</u>	<u>_____</u>	<u>_____</u>
<u>Ronnie Bagwell</u>	<u>X</u>	<u>X</u> <i>0111</i>	<u>_____</u>
<u>IRC</u> <u>Jillian Foster</u>	<u>_____</u>	<u>_____</u>	<u>IRC</u>
<u>Ryan Harper</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
<u>IRC</u> <u>Tony Waits</u>	<u>_____</u>	<u>_____</u>	<u>IRC</u>

CVS 8992

F-08186

05-12-2022

On May 12, 2022, came the matter of CVS Pharmacy #4993, Pharmacy Permit Number 08266/1.2, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Guy Phillips and Ronnie Bagwell were on the Investigative Review Committee and did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

CVS PHARMACY #4993
1014 HIGHWAY 51
MADISON, MS 39110

PERMIT TO OPERATE AS A PHARMACY NUMBER 08266/1.2

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of CVS Pharmacy #4993, Permit to Operate as a Pharmacy, Permit Number 08266/1.2, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

CVS Pharmacy #4993, Permit to Operate as a Pharmacy, Permit Number 08266/1.2, is alleged to have committed the following violations:

Count 1:

Mississippi Pharmacy Practice Regulations Article XXV, INVENTORY REQUIREMENTS FOR CONTROLLED SUBSTANCES, Paragraph 1:

1. If a facility has a loss of controlled substances, a complete inventory of all remaining controlled substances shall be made within forty-eight (48) hours of discovery of the loss of controlled substances. This inventory shall be dated and signed by the pharmacist conducting the inventory. Any loss or suspected loss of controlled substances shall be reported directly to the Mississippi Board of Pharmacy immediately upon discovery and a written report made to the Mississippi Board of Pharmacy within fifteen (15) days; this written report shall include a copy of the inventory required by this ARTICLE.

Specifically, an initial controlled substance loss notification was sent to the board on 9/24/21 but no additional follow up was received. Cycle count on 10/25 suggested missing #100 count bottle of alprazolam 2 mg.

Count 2:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 V:

Jeopardizing, compromising, interfering or failing to cooperate with any lawful investigation conducted by the Board or any state or federal regulatory or law enforcement agency.

Specifically, CVS corporate offices refused to allow the pharmacist-in-charge to provide a written statement of the circumstances involving the loss of controlled substances.

FINDINGS OF FACT

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

- (1) That the Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law;
- (2) That the Respondent was issued a permit to operate as a pharmacy by the Board, Permit Number 08266/1.2, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated;
- (3) That the Respondent committed the violations as charged.

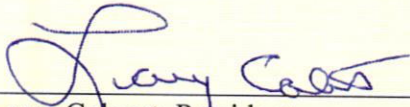
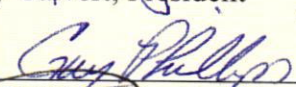
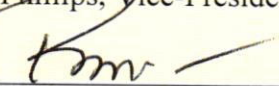
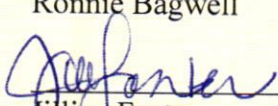
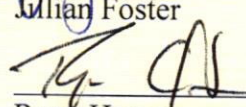
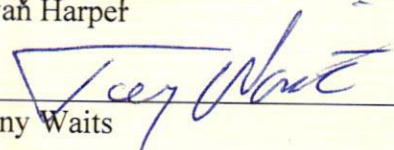
FINAL ORDER OF THE BOARD

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

- Pursuant to Section 73-21-103(1)(d)(i), Mississippi Code of 1972, Annotated, Respondent shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00) for a violation of Count 1.
- Pursuant to Section 73-21-103(1)(d)(ii), Mississippi Code of 1972, Annotated, Respondent shall pay a monetary penalty in the amount of Five Thousand Dollars (\$5,000.00) for a violation of Count 2.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay and the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of Six Thousand Two Hundred Fifty Dollars (\$6,250.00) shall be paid by the Respondent within thirty (30) days of this Order.

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ORDERED AND AGREED TO, this the 12th day of May 2022.

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

CVS Madison

F-08266

5-12-22

On May 12, 2022, came the matter of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1, herein also referred to as Respondent #1 and Clinton E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, herein also referred to as Respondent #2, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits were on the Investigative Review Committee and did not participate in the hearing. The charges against both Respondent #1 and Respondent #2 arise from the same facts and circumstances and therefore one hearing was held for both Respondents.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

CLINT'S PHARMACY
201 HWY 51 NORTH
BROOKHAVEN, MS 39601

And

CLINTON E. BANE
201 HWY 51 NORTH
BROOKHAVEN, MS 39601

PERMIT TO OPERATE AS A PHARMACY, PERMIT NUMBER 01781/1.1
LICENSE TO PRACTICE PHARMACY, REGISTRATION NUMBER E-07204

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1, and Clinton E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Clint's Pharmacy, Pharmacy Permit Number 01781/1.1, and Clinton E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204 are alleged to have committed the following violation:

Mississippi Pharmacy Practice Regulations Article IX ACTION AGAINST PERMITS, Paragraph 1, B:

1. The Board of Pharmacy may refuse to issue or renew, or may suspend, summarily suspend, place on probation, revoke, reprimand, or restrict the permit of any permitted facility and/or impose a monetary penalty upon one or more of the following grounds:
 - B. Any act by any person in the conduct of the activities of the facility which is a violation of the rules and regulations of the Board of Pharmacy.

Mississippi Pharmacy Practice Regulations Article VII RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC):

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.

- 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.**

Specifically, an inspection of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1 on December 9, 2021 revealed that Danyll Summerall was performing pharmacy technician duties when her pharmacy technician application had been denied by the Board. Clint Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, was the pharmacist-in-charge of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1. As the pharmacist-in-charge, Bane was responsible for assuring that all pharmacy technicians were properly registered. A violation by the pharmacist-in-charge also amounts to a violation against the permit.

FINDINGS OF FACT

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

- (1) The Respondents were 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 Respondents have been afforded all due process required by law;
- (2) Respondent #1 was issued a permit to operate as a pharmacy by the Board, Permit Number 01781/1.1, and Respondent #2 was issued a License to Practice Pharmacy Registration Number E-07204 and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated;
- (3) The Respondents 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 Respondents and a copy maintained on file in the office of the Board.

- Pursuant to Section 73-21-103(1)(d)(i), Mississippi Code of 1972, Annotated, Respondent #1 shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00).
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent #1 shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) shall be paid by Respondent #1 within thirty (30) days of this Order.

- Pursuant to Section 73-21-103(1)(d)(i), Mississippi Code of 1972, Annotated, Respondent #2 shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00).
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent #2 shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) shall be paid by Respondent #2 within thirty (30) days of this Order.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 12th 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> </u>	<u>X</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>

Clint Bane

E-07204

05-12-2022

On May 12, 2022, came the matter of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1, herein also referred to as Respondent #1 and Clinton E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, herein also referred to as Respondent #2, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Jillian Foster and Tony Waits were on the Investigative Review Committee and did not participate in the hearing. The charges against both Respondent #1 and Respondent #2 arise from the same facts and circumstances and therefore one hearing was held for both Respondents.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

CLINT'S PHARMACY
201 HWY 51 NORTH
BROOKHAVEN, MS 39601

And

CLINTON E. BANE
201 HWY 51 NORTH
BROOKHAVEN, MS 39601

PERMIT TO OPERATE AS A PHARMACY, PERMIT NUMBER 01781/1.1
LICENSE TO PRACTICE PHARMACY, REGISTRATION NUMBER E-07204

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1, and Clinton E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Clint's Pharmacy, Pharmacy Permit Number 01781/1.1, and Clinton E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204 are alleged to have committed the following violation:

Mississippi Pharmacy Practice Regulations Article IX ACTION AGAINST PERMITS, Paragraph 1, B:

1. The Board of Pharmacy may refuse to issue or renew, or may suspend, summarily suspend, place on probation, revoke, reprimand, or restrict the permit of any permitted facility and/or impose a monetary penalty upon one or more of the following grounds:
 - B. Any act by any person in the conduct of the activities of the facility which is a violation of the rules and regulations of the Board of Pharmacy.

Mississippi Pharmacy Practice Regulations Article VII RESPONSIBILITY OF PHARMACIST-IN-CHARGE (PIC):

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.

- 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.**

Specifically, an inspection of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1 on December 9, 2021 revealed that Danyll Summerall was performing pharmacy technician duties when her pharmacy technician application had been denied by the Board. Clint Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, was the pharmacist-in-charge of Clint's Pharmacy, Pharmacy Permit Number 01781/1.1. As the pharmacist-in-charge, Bane was responsible for assuring that all pharmacy technicians were properly registered. A violation by the pharmacist-in-charge also amounts to a violation against the permit.

FINDINGS OF FACT

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

- (1) The Respondents were 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 Respondents have been afforded all due process required by law;
- (2) Respondent #1 was issued a permit to operate as a pharmacy by the Board, Permit Number 01781/1.1, and Respondent #2 was issued a License to Practice Pharmacy Registration Number E-07204 and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated;
- (3) The Respondents 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 Respondents and a copy maintained on file in the office of the Board.

- Pursuant to Section 73-21-103(1)(d)(i), Mississippi Code of 1972, Annotated, Respondent #1 shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00).
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent #1 shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) shall be paid by Respondent #1 within thirty (30) days of this Order.

- Pursuant to Section 73-21-103(1)(d)(i), Mississippi Code of 1972, Annotated, Respondent #2 shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00).
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent #2 shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Fifty Dollars (\$250.00).
- The total monetary penalty and cost of investigation in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) shall be paid by Respondent #2 within thirty (30) days of this Order.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ORDERED AND AGREED TO, this the 12th 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> </u>	<u>X</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>

Clint's Pharmacy

F-01781

05-12-2022

Came on May 12, 2022, the matter of Kimberly Pierce, 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:

KIMBERLY PIERCE
817 GRAND AVE
LEAKESVILLE, MS 39451

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-97, Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested the Board to review her past criminal history and make a determination as to whether she would be disqualified from obtaining a pharmacy technician registration.

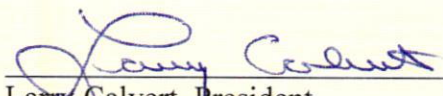
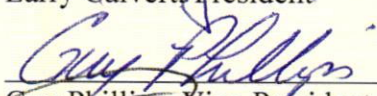
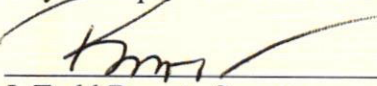
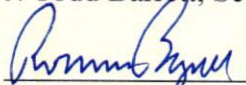
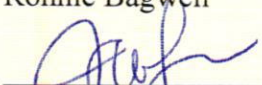
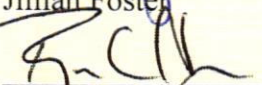
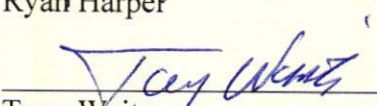
ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to approve an application for pharmacy technician registration for the Petitioner on the condition that no other issues would disqualify her.

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 12th day of May 2022.

	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 checked="" 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"/>

Kimberly Pierce

05-12-22

Came on May 12, 2022, the matter of Markus Coleman, Intern/Extern Registration IE-8599, 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:

MARKUS COLEMAN
7 LAKEWOOD DRIVE
HATTIESBURG, MS 39402

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-97, Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested for his Intern/Extern registration be extended so that he could take the required tests to obtain his pharmacist license.

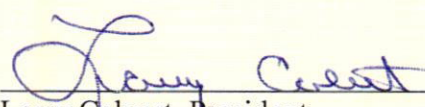
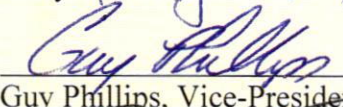
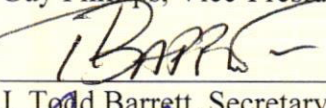
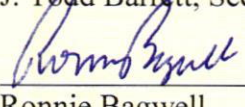
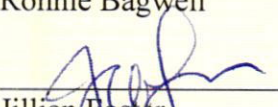
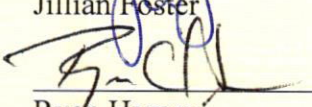
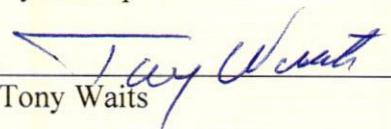
ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to extend the Petitioner's intern/extern registration. Intern/Extern Registration IE-8599 shall expire on May 1, 2023.

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 12th day of May 2022.

	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 checked="" 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"/>

Markus Coleman

IE-8599

05-12-22

Came on May 12, 2022, the matter of Rachel Wells, Intern/Extern Registration IE-8667, 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:

RACHEL WELLS
13812 VIRGINIA STREET
VANCELEAVE, MS 39565

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter pursuant to Section 73-21-97, Mississippi Code of 1972, Annotated.

PROCEEDINGS

Petitioner requested for her Intern/Extern registration be renewed so that she could take the required tests to obtain her pharmacist license.

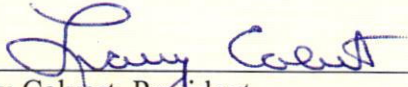
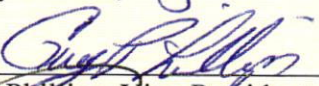
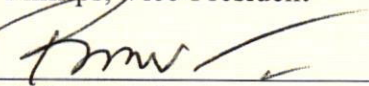
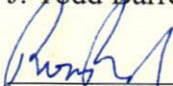
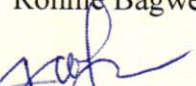
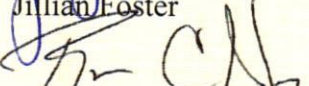
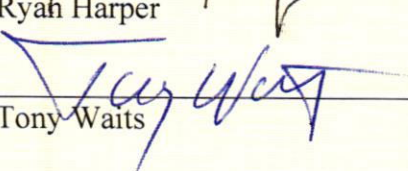
ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to renew the Petitioner's intern/extern registration. Intern/Extern Registration IE-8667 shall expire on April 1, 2023.

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 12th day of May 2022.

	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"/>
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Rachel Wells

IE-8667

05-12-22