

# MISSISSIPPI BOARD OF PHARMACY MINUTES

September 21, 2023

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, September 21, 2023 at the Board offices, 6360 I-55 N. Suite 400, Jackson, MS 39211. The following members were present: Ronnie Bagwell – President, Tony Waits – Vice-President, Jillian Foster – Secretary, Ryan Harper, Craig Sartin, David Hudson, and Michael Gilbow.

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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 13th, 2023, Meeting of the Mississippi Board of Pharmacy.
- ❖ Requests for approval of the following pharmacy continuing education programs:
  - ❖ APPROVE ISSUANCE OF PHARMACIST LICENSES
  - ❖ REQUESTS FOR APPROVAL OF THE FOLLOWING PHARMACY CONTINUING EDUCATION PROGRAMS:
    - PROGRAM NUMBER 007-018-023-001, “**Substance Abuse Disorder**”, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
    - PROGRAM NUMBER 007-018-023-002, “**Treating Opioid Use Disorder in the Pregnant and Parenting Population**”, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
    - PROGRAM NUMBER 007-018-023-003, “**Addiction, Chronic Pain & Buprenology**”, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
    - PROGRAM NUMBER 007-021-023-003, “**Igalmi SL**”, as requested by Jon Arnold for 0.5 clock hours of LIVE pharmacist continuing education credit.
    - PROGRAM NUMBER 008-004-023-001, “**A Pharmacist Guide to Medical Cannabis in Mississippi**”, as requested by Robert Dozier-MIPA for 2 clocks hour of LIVE pharmacist continuing education credit and Opioid/Addiction Credit.
    - PROGRAM NUMBER 008-004-023-002, “**Candida Auris**”, as requested by Lindsey Stout for 0.5 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER 008-004-023-003, **“Stopping Stigma Starts With You”**, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-007-023-001, **“Recovery Tools That Can Benefit Everyone”**, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-007-023-002, **“Personality Traits Linked to Addiction”**, as requested by Jerry Fortenberry-MARP for 1 clock hour of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-016-023-001, **“Summer Quarterly Journal”**, as requested by MPHA for 2 clock hours of pharmacist continuing education credit (Credit granted for August 18, 2023-August 18, 2024).
- PROGRAM NUMBER 008-018-023-001, **“Utilizing Antibiograms to Improve Antibiotic Prescribing Practices”**, as requested by Lori Emory for 1 clock hours of pharmacist continuing education credit (Credit granted for January 1, 2024-December 31, 2024).
- PROGRAM NUMBER 008-023-023-001, **“Pancreatitis”**, as requested by Victoria Wright for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-028-023-002, **“Pump the Brakes on PPIs: PPIs and Antimicrobial Resistance”**, as requested by Kaylee Hall for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 008-028-023-003, **“Substance Use Disorders: Management, Stigma, Treatment”**, as requested by MIPA for 2 clock hours of LIVE pharmacist continuing education credit (September Presentation).
- PROGRAM NUMBER 008-028-023-004, **“Substance Use Disorders: Management, Stigma, Treatment”**, as requested by MIPA for 2 clock hours of LIVE pharmacist continuing education credit(November Presentation).
- PROGRAM NUMBER 008-029-023-001, **“Empowering Pharmacists: Gender Affirming in Healthcare Settings”**, as requested by Jon Arnold for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-007-023-001, **“An Infectiously(Gram) Positive Attitude on Oral Antibiotics for Staphylococcus Aureus Bacteremia”**, as requested by Hiba Shaikhli for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-001, **“Comparing the Efficacy of Cockcroft-Gault vs 2021 CKD-EPI for Renal Dosing”**, as requested by Selena Hernandez for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-002, **“The ABCs of Bone Agents: An Introduction of Type, Mechanisms and Uses”**, as requested by Selena Hernandez for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-003, **“The Pressure is On..or Is it? The Effect of Ketamine on Intracranial Pressure in Pediatric Patients”**, as requested Lauren Puzz for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 009-012-023-004, **“High, Low or No.. Which Way To Go: Aspirin in Kawasaki Dosing”**, as requested by Hallie Austin for 0.5 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER MBP-18-8771-OP, “**Drug Diversion Awareness for Pharmacists In Charge**”, as requested by Compliance Division of the MS Board of Pharmacy for 1 clock hour of pharmacist continuing education credit and Opioid/Addiction Credit.

❖ CONSULTANT WAIVER REQUESTS

- Brett Ballew
- William Ross Stanley
- Amber Johnson

❖ MEMBERSHIPS AND FEES TO BE PAID FY 2024

- Pharmacist staff renewal fees for 2023

❖ MCGOWEN PROPOSED SETTLEMENT

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### **EXECUTIVE DIRECTOR REPORT**

Susan McCoy reported all voluntary surrenders submitted to the Board since its last meeting:

- **Santana Strickland-Technician**
- **Keshia Fuller-Technician**
- **Brent Lindley-Pharmacist**
- **Lil’Torya Walker-Technician**
- **Elizabeth C. Jenkins-Technician**

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

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### **REGULATION WORKING GROUP**

Todd Dear, Associate Director, presented the following regulations:

- **Article XXXI**
- **Article XLIX**

Upon recommendation by staff, the Board adopted Article XXXI as a proposed regulation. Board members Tony Waits, Jillian Foster, Ryan Harper, Craig Sartin, David Hudson and Michael Gilbow voted to adopt the proposed regulation. Board member Ronnie Bagwell voted against the adoption of the proposed regulation.

Upon a recommendation by staff, the Board adopted Article XLIX as a final regulation without objection.

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## **GENERAL BUSINESS**

- Presentation by Wes Pitts from North Mississippi Medical Center and On Demand Pharmacy

Upon a motion by Board member Craig Sartin and a 2<sup>nd</sup> by Board member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(j) for the purposes of discussing the location and/or expansion of a business or medical service. On a motion by Board member Tony Waits and a 2<sup>nd</sup> by Board member Craig Sartin, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during executive session.

Upon a motion by Board member Jillian Foster and a 2<sup>nd</sup> by Ryan Harper, the Board voted to approve a six-month pilot program of the North Mississippi Medical Center allowing the hospital to contract with On Deman Pharmacy to operate a 503A pharmacy in a sterile compounding facility located on the grounds of NMMC, which will compound five specific drugs listed on the FDA shortage list. A pharmacist is required to be physically present in the facility to supervise pharmacy technician on staff. Board members Ronnie Bagwell, Tony Waits, Jillian Foster, Ryan Harper, David Hudson and Michael Gilbow voted in favor of the motion. Board member Craig Sartin voted against the motion.

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## **RESPONDENTS**

Prior to any administrative hearings being conducted before the Board, Executive Director Susan McCoy stepped down from the Board table.

Sports Medicine Pharmacy, Permit to Operate as a Pharmacy, Permit Number 14908/2.0

Upon a motion by Board member Ryan Harper and a 2<sup>nd</sup> by David Hudson, the Board voted unanimously to approve the proposed agreed settlement order with Sports Medicine Pharmacy. See the attached Settlement Order.

Billy R. Calvert, License to Practice Pharmacy Number E-06750

After the Respondent declined the proposed agreed settlement order, the administrative hearing on this matter was rescheduled to the November 16, 2023, Board Meeting.

Magnolia Medical Supply, LLC, Medical Equipment Supplier Permit # 18371/11.1

Upon a motion by Board member Craig Sartin and a 2<sup>nd</sup> by Board member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing appealable order of the Board. On a motion by Board member Jillian Foster and a 2<sup>nd</sup> by Board member Tony Waits, the Board voted unanimously to rise from

executive session and enter open session. It was reported that no action was taken during the executive session.

Upon a motion by Board member Tony Waits and a 2<sup>nd</sup> by Board member David Hudson, the Board voted unanimously to approve the proposed agreed settlement order with Magnolia Medical Supply.

See the attached Settlement Order.

TX ProMed Pharmacy

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

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### **PETITIONERS**

Tip Allen Williams, License to Practice Pharmacy, Certificate of Registration D-07671

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

Markus Coleman, Intern/Extern Registration IE-8599

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

James Beard, License to Practice Pharmacy, Certificate of Registration E-15066

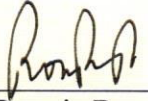
After an administrative hearing on this matter, the Board issued the attached Order.

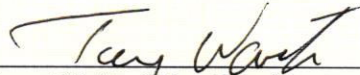
Upon a motion by Board member Tony Waits and a 2<sup>nd</sup> by Board member Craig Sartin, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing potential litigation regarding the adoption of a rule. On a motion by Board member Tony Waits and a 2<sup>nd</sup> by Board member David Hudson, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during executive session.

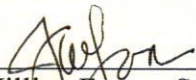
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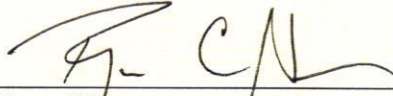
The Board adjourned at 2:16 p.m.

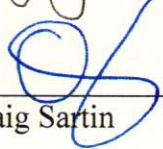
These September 21, 2023, MINUTES of the Board are hereby approved this the 15th day of November, 2023.

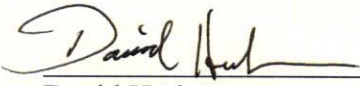
  
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Ronnie Bagwell, President

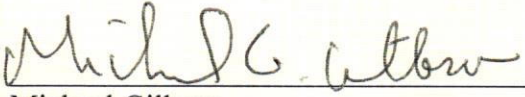
  
\_\_\_\_\_  
Tony Waits, Vice-President

  
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Jillian Foster, Secretary

  
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Ryan Harper

  
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Craig Sartin

  
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David Hudson

  
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Michael Gilbow

Mississippi Board of Pharmacy  
September 21, 2023

**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
  - Brett Ballew
  - William Ross Stanley
  - Amber Johnson
- MEMBERSHIPS AND FEES TO BE PAID FY 2024
  - Pharmacist staff renewal fees for 2023
- MCGOWEN PROPOSED SETTLEMENT

**III. EXECUTIVE DIRECTOR REPORT**

- VOLUNTARY SURRENDERS-
  - Gary Holland, Pharmacy Technician
  - Lajohnya Montgomery, Pharmacy Technician
  - Mya Kasha Walker, Pharmacy Technician

- Keiuna Webster, Pharmacy Technician

#### **IV. REGULATION WORKING GROUP**

- USP 795, 797, and 800
- Shared Services
- Article XXXI Compounding Guidelines

#### **V. GENERAL BUSINESS**

- NMMC/On Demand Pharmacy—Wes Pitts

#### **VI. RESPONDENTS**

- |                            |            |
|----------------------------|------------|
| • Sports Medicine Pharmacy | Settlement |
| • Billy R. Calvert         | Settlement |
| • Magnolia Medical Supply  | Respondent |
| • TX Pro Med               | Respondent |

#### **VII. PETITIONERS**

- |                      |            |
|----------------------|------------|
| • Tip Allen Williams | Petitioner |
| • Markus Coleman     | Petitioner |
| • James Beard        | Petitioner |



Came on September 21, 2023, the matter of McGowen Enterprises, d/b/a Acute Care Pharmaceuticals, herein referred to as Respondent, pursuant to a settlement proposal with the Mississippi Board of Pharmacy.

### MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

MCGOWEN ENTERPRISES, INC.  
d/b/a ACUTE CARE  
PHARMACEUTICALS, LLC  
12195 DEARBORN PLACE  
POWAY, CA

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

#### JURISDICTION

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

#### PROCEEDINGS

On January 19, 2023, the Board held an administrative hearing concerning the charges against the Respondent. Respondent is alleged to have committed the following violation:

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

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

Specifically, Respondent distributed prescription drug products into the State of Mississippi to MAE Physicians Surgery Center in Jackson, Mississippi in January 2022 and had not obtained a permit from the Board to operate as a wholesale drug distributor.

The Board entered an Order imposing a monetary penalty pursuant to Section 73-21-103(1)(d)(iii) on Respondent in the amount of One Million Twenty-One Thousand Two Hundred Twenty-Four Dollars and Eleven Cents (\$1,021,224.11) for doing business without a permit.

On March 23, 2023, the Board held a hearing in response to a petition filed by Respondent to reconsider the Board's January 19, 2023, Order, whereafter the Board voted to amend its January 19, 2023, Order to hold all but Ten Thousand Dollars (\$10,000.00) of the monetary penalty and the cost of investigation in abeyance for five (5) years from the date the amended Order. According to the March 23, 2023, Order, if the Petitioner were able to remain in compliance with both state law

and the regulations of the Board during the five (5) year abeyance period, then the remaining balance of the monetary penalty held in abeyance would be discharged on March 23, 2028. According to the Board's Order, all other provisions of the January 19, 2023, Order were to remain unchanged.

#### SETTLEMENT AGREEMENT

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

#### FINDINGS OF FACT

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

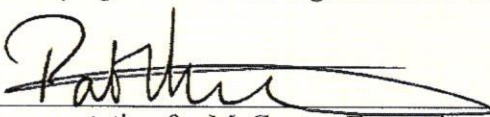
- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.
- (2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97(1)(n), Mississippi Code of 1972, Annotated.
- (3) The Respondent neither admits nor denies violations of Mississippi Code Annotated Sections 73-21-105(1) or 73-21-103(1)(d)(vii).
- (4) The Respondent and Board Agree to the settlement stated below as approved by the Board.

#### FINAL ORDER OF THE BOARD

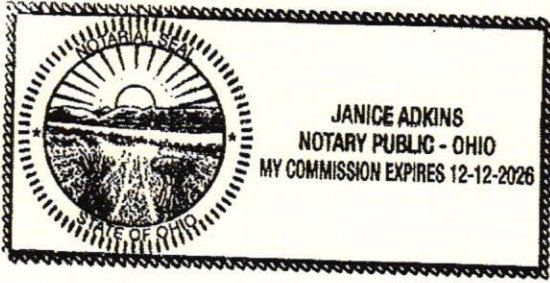
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- The Order of this Board issued January 19, 2023, and Order issued March 23, 2023, shall be set aside and vacated upon the dismissal of the appeal of those Orders filed by Respondent and shall be replaced by this Order.
- The Respondent shall pay the sum of \$15,000.00, plus costs of investigation (\$224.11), for a total of \$15,224.11, as a settlement of all claims that were or could have been alleged by the Board in this matter.
- The Board releases the Respondent from any actions involving the Respondent occurring prior to the date of this Order that constitutes doing business without a permit in Mississippi.
- The monetary settlement is due and payable by the Respondent within thirty (30) days of receipt of this Order.

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

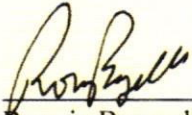
  
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Representative for McGowen Enterprises,  
d/b/a Acute Care Pharmaceuticals

Subscribed and Sworn to me, in my presence, this 28 day of September, 2023.

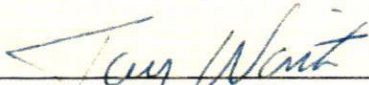


*Jan Adkins*  
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NOTARY PUBLIC

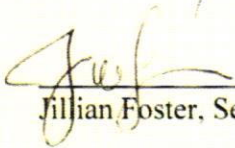
ORDERED AND AGREED TO, this the 21st day of September 2023.



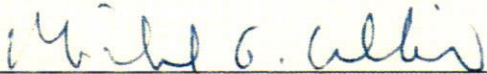
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Ronnie Bagwell, President



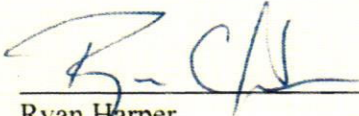
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Tony Waits, Vice-President



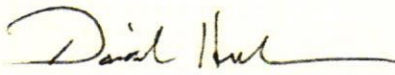
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Jillian Foster, Secretary



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Craig Sartin

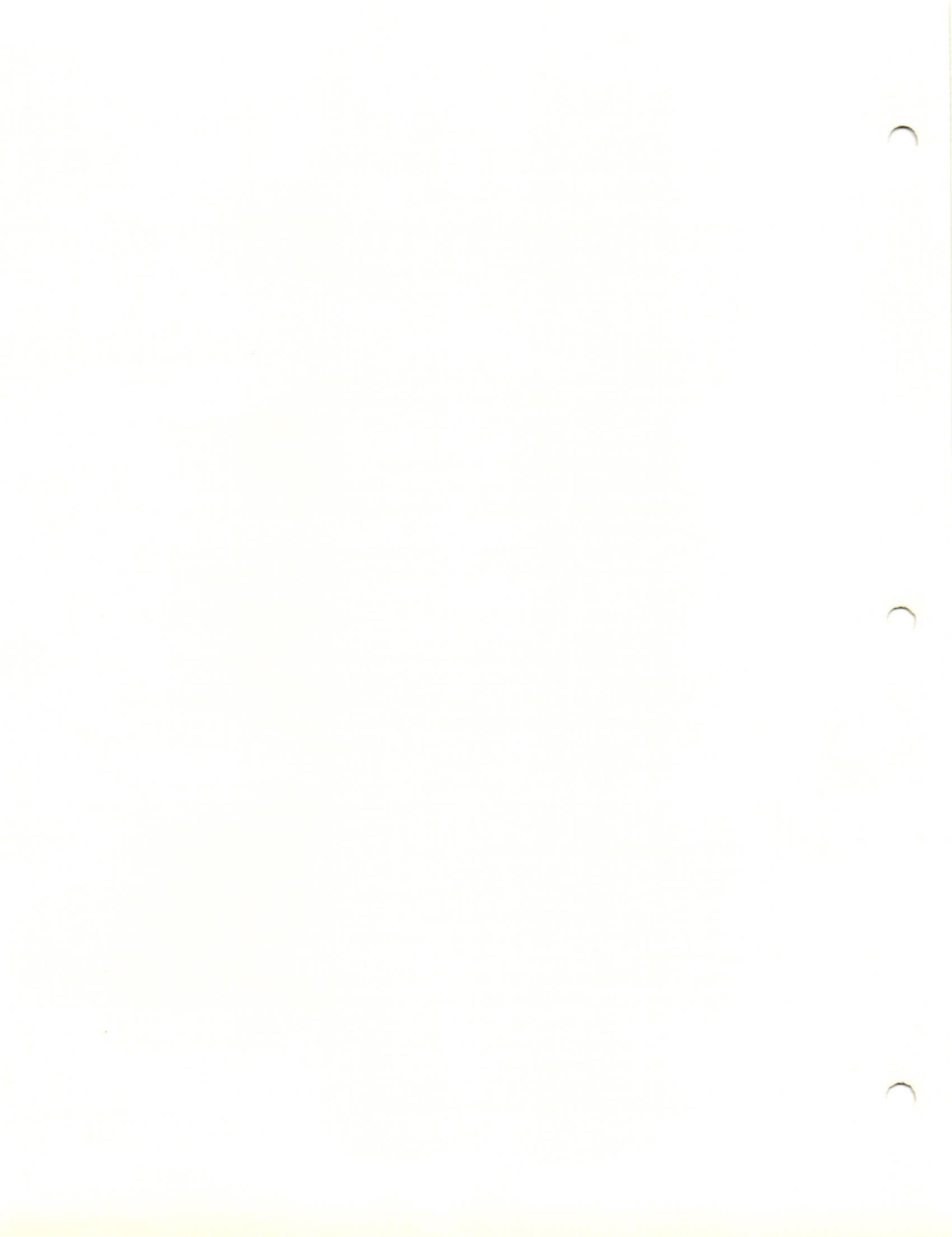
TITLE 30: PROFESSIONS AND OCCUPATIONS  
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

**ARTICLE XXXI COMPOUNDING GUIDELINES**

Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals that is not a licensed 503B pharmacy following good manufacturing practices (GMP) shall comply with USP 795, USP 797, and USP 800 when compounding in the scope of those chapters. The designated facility USP representative must be a pharmacist licensed in the State of Mississippi.

1. GENERAL PROVISIONS

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



- iv. A valid prescription shall serve as the compounding record;
- v. The prescription label shall comply with all related USP chapter requirements as well as the labeling requirements as set forth in Article XIV of these regulations.
- D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.
- E. Pharmacies shall not offer compounded human drug products to practitioners or to other pharmacies for resale or dispensing. However, patient specific medications may be prepared on behalf of a pharmacy permitted as an Institutional I, Hospital, 3.1 pharmacy for an inpatient at that facility. Pharmacies may compound patient specific medications for office administration by a practitioner.
- F. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services (e.g., chemicals, devices and information when requested); however, they shall not solicit business by promoting to compound specific drug products (e.g., like a manufacturer).
- G. The compounding of inordinate amounts of drugs in anticipation of receiving prescriptions without any historical basis or the distribution of inordinate amounts of compounded products without a patient/practitioner/pharmacist relationship is considered manufacturing.

## 2. RECORDS

- A. The pharmacy shall keep records of all compounded products as required by the Mississippi Board of Pharmacy. Such records shall be readily available for authorized inspection during the retention period at the establishment. These records shall be subject to duplication by photocopying or other means of reproduction as part of any such inspection.
- B. Drug Orders: The pharmacist must receive a written, electronic or verbal order from an authorized prescriber before dispensing any compounded product.
  - i. If the drug order is for an inpatient at an institutional facility, a copy of the patient's medication order may serve as an order for the preparation and dispensing of the compounded product. This and the medication administration record may be maintained as the permanent record in medical records at the facility.
  - ii. If the drug order is for an outpatient, the order must be in the form of a prescription document or a patient medication order sheet which contains, at a minimum, the following:
    - (1) Patient name;
    - (2) Patient address;
    - (3) name of medication and strength;

- (4) Directions for use;
  - (5) Date;
  - (6) Prescriber's name;
  - (7) Physician's address and Drug Enforcement Administration registration number, if applicable;
  - (8) Refill instructions.
- C. Prescriptions for compounded products shall be filed in accordance with the prescription recordkeeping provisions of these regulations. Patient medication order sheets used as authorization for the dispensing of drugs shall be filed in an easily retrievable manner.

3. COMPOUNDING WHEN COMMERCIAL PRODUCTS ARE NOT AVAILABLE

- A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:
- i. Products that appear as unresolved status on the FDA drug shortage list in effect under section 506E of the FD&C Act; or
  - ii. Products discontinued and no longer marketed by the manufacturer.

4. COMPOUNDING FOR VETERINARY USE

- A. All compounding for non-human medications must follow USP 795/797/800 compounding standards.
- B. A pharmacy may compound a preparation intended for administration to an animal patient:
- i. Pursuant to a patient specific prescription; or
  - ii. Pursuant to a non-patient specific order from a veterinarian.
- C. The label for non-patient specific compounded preparations shall contain, at a minimum, the following:
- i. Pharmacy's name, address and telephone number;
  - ii. Veterinarian's name;
  - iii. Name of preparation;
  - iv. Strength and concentration;
  - v. Lot number;
  - vi. Beyond use date (BUD);
  - vii. Special storage requirements, if applicable;
  - viii. Name or initials of the pharmacist responsible for final check of the preparation.