MISSISSIPPI BOARD OF PHARMACY
MINUTES
MARCH 28, 2024

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, March 28, 2024, at the Board offices, 6311 Ridgewood Road, Suite E 401, 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.

Board Member Ronnie Bagwell moved to close the meeting to determine if the Board should declare an executive session. All Board Members voted in favor of the motion. Upon a motion by Board Member David Hudson, 2nd by Ryan Harper, the Board voted unanimously to go into executive session in accordance with Section 25-41-7(4)(d) for the purposes of discussing investigative proceedings by the Board regarding an allegation of violations of the law. On a motion by Board Member Ryan Harper, 2nd by Board Member Mike Gilbow, 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.

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CONSENT AGENDA

Motion by Board Member Craig Sartin, 2nd by David Hudson to approve the Consent Agenda for this meeting and for the Consent Agenda and the Website Declaration of this meeting to be placed in the minutes. All in favor. See attached. The following items were reviewed by Board members and approved without objection. See attached.

- Minutes for the January 18, 2024 and March 7, 2024, Meeting of the Mississippi Board of Pharmacy.

- APPROVE ISSUANCE OF PHARMACIST LICENSES

- REQUESTS FOR APPROVAL OF THE FOLLOWING PHARMACY CONTINUING EDUCATION PROGRAMS:

  - PROGRAM NUMBER 001-022-024-001, **"Autism"**, as requested by Lindsey Stout for 0.5 clock hours of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 001-022-024-002, **"Systemic Steroid Use Disorders"**, as requested by Lindsey Stout for 0.5 clock hours of LIVE pharmacist continuing education credit.
  - PROGRAM NUMBER 001-031-024-001, **"Opioid Overdose Symptoms, Risks, and Prevention"**, as requested by Samanatha Odom for 1 clock hours of LIVE and Opioid/Addiction pharmacist continuing education credit.
  - PROGRAM NUMBER 001-031-024-002, **"An Overview of Total Parenteral Nutrition and Its Complications"**, as requested by Betty Burns for 0.5 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER 002-007-024-001, **"Managing Diabetes in the 21st Century: Diabetes in Pregnancy, Childhood and Adulthood"**, as requested by Patricia Boyd Stout for 5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 002-013-024-001, **"MPHA Mid-Winter Meetings"**, as requested by Mona Arnold-McBride for 4 clock hours of LIVE pharmacist continuing education credit with 1 clock hour of Opioid/Addiction Credit included.
- PROGRAM NUMBER 002-020-024-001, **"Overview of Huntington's Disease, Dysautonomia and Complex Regional Pain Syndrome"**, as requested by Abderezak Shifa for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 002-020-024-002, **"Models of Care for Optimum Clinical Management"**, as requested by Sonja Fuqua for 5.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 002-020-024-003, **"Cystic Fibrosis"**, as requested by Victoria Wright for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 002-026-024-001, **"Beyond Weight Loss: GLP-1RA and Cardiovascular Outcomes"**, as requested by Roxana Martin for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 002-026-024-002, **"From Bar Hopping to Barbiturates: Phenobarbital vs Benzodiazepines in Alcohol Withdrawal Syndrome"**, as requested by Ashlynn Marquette for 0.5 clock hours of LIVE and Opioid/Addiction pharmacist continuing education credit.
- PROGRAM NUMBER 003-012-024-001, **"Non-Infectious Fever and Leukocytosis"**, as requested by Gabby Harmon for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 003-012-024-002, **"Sjogren's Syndrome and PCOS"**, as requested by Gabby Harmon for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 003-012-024-003, **"Mississippi Opioid Summit"**, as requested by Sierra Butler for 5.08 clock hours of LIVE and Opioid/Addiction pharmacist continuing education credit.
- PROGRAM NUMBER 003-018-024-001, **"CMV: Not as easy as 1, 2, 3!"**, as requested by Hiba Al Shaikhli for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 003-018-024-002, **"Parkinson's Disease Management"**, as requested by Victoria Byerly for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 003-018-024-003, **"Hypercoagulability and Stroke"**, as requested by Carly E. Howard for 1 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 003-018-024-004, **"What's the Scoop? A Review of Gastrointestinal Disorders"**, as requested by Selena Hernandez for 1 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 003-018-024-005, **"Tackling CAR T-Cell Therapy and Toxicities"**, as requested by Kaylee Hall for 0.5 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER 003-018-024-006, **"2023 ISMP Year-in-Review"**, as requested by Anna Battle for 0.5 clock hours of LIVE pharmacist continuing education credit.

❖ CONSULTANT WAIVER REQUESTS

- Ramata Sakhanoko, Nicholas Dawson, Karri Smith, Jennifer Garris, Wanda Keahey, Carly Burton, Lindsey Hudson, Jana Jennings, Jennifer Patterson, Rita Jackson Winn

❖ SURRENDERS AND REVOCATION ORDERS

- April Day, Pharmacy Technician Registration Number PT-227320

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Lauren Hundhausen, Pharmacy Technician Registration Number PT-226982

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Janki Patel, Pharmacy Technician Registration Number PT-223697

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Meoshie Jones, Pharmacy Technician Registration Number PT-225389

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Madeline Broadus, Pharmacy Technician Registration Number PT-222489

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Scott Kitchens, Pharmacy Technician Registration Number PT-214877

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Amanda Russell, License to Practice Pharmacy Number E-09597

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

- Ben Burns, License to Practice Pharmacy Number E-08490

Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

❖ Travel Requests

- NCPA Congressional Pharmacy Fly In –Washington D.C.– April 16-19, 2024- Sartin
- Mississippi Independent Pharmacies Association 2024 Annual Conference- Point Clear, AL-April 16-21, 2024-Susan McCoy, Todd Dear and Board Members
- Mississippi Association of Health Plans – Point Clear, AL – June 3-5, 2024-Susan McCoy and Todd Dear

- Mississippi Pharmacist Association 153rd Annual Convention-Oxford, MS- June7-8, 2024-Bord Members and Staff
- Quarles and Brady Pharmacy Law Symposium, Chicago, IL – July 17-19, 2024-Susan McCoy and Avery Lee

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EXECUTIVE DIRECTOR REPORT

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

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Board Member Ronnie Bagwell moved to close the meeting to determine if the Board should declare an executive session. All Board Members voted in favor of the motion. Upon a motion by Board Member Tony Waits, 2nd by Ryan Harper, the Board voted unanimously to go into executive session in accordance with Section 25-41-7(4)(b) and (d) for the purposes of discussing potential litigation stemming from the adoption of a rule and to discuss investigative proceedings by the Board regarding an allegation of violations of the law. On a motion by Board Member Tony Waits, 2nd 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 the executive session.

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REGULATION WORKING GROUP

Todd Dear, Associate Director, presented the following regulations:

- **Article XXX**
- **Article XXXV**
- **Administrative Rules**
- **Article XXXII**

Upon recommendation by staff, the Board adopted Article XXX, Article XXXV and the Administrative Rules as final regulations and Article XXXII as a proposed regulation without objection.

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GENERAL BUSINESS

Lee Rosebush gave a presentation to the Board on behalf of Outsourcing Facilities Association

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Upon a motion by Board Member Ryan Harper, 2nd 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 potential litigation. On a motion by Board Member Craig Sartin, 2nd by Board Member Mike Gilbow, 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.

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RESPONDENTS

Lyquita Wilson, Pharmacy Technician Registration Number PT-227255
After an administrative hearing on this matter, the Board issued the attached Order.

Park Place Pharmacy, Permit to Operate as a Pharmacy, Permit Number 09036/1.1
After an administrative hearing on this matter, the Board issued the attached Order.

The following three administrative hearings were conducted together without objection from either Respondent.

Curtis Dykes, License to Practice Pharmacy Number E-05870
After an administrative hearing on this matter, the Board issued the attached Order.

Clint Bane, License to Practice Pharmacy Number E-07204
After an administrative hearing on this matter, the Board issued the attached Order.

Clint's Pharmacy, Permit to Operate as a Pharmacy, Permit Number 01781/1.1
After an administrative hearing on this matter, the Board issued the attached Order.

Dees America Supply, LLC, Medical Equipment Supplier Permit #18355/11.1
After an administrative hearing on this matter, the Board issued the attached Order.

Gem Drugs, Permit to Operate as a Pharmacy, Permit Number 13754/7.1
Upon a motion by Board Member Tony Waits, 2nd by Board Member Ryan Harper, the Board voted unanimously to remand the matter to the Internal Review Committee for further review and consideration.

Pioneer Pharmacy, Permit to Operate as a Pharmacy, Permit Number 07428/7.1
Upon a motion by Board Member Jillian Foster, 2nd by Board Member David Hudson, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing an appealable order of the Board. On a motion by Board Member Craig Sartin and a 2nd 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 the executive session.

Upon a motion by Board Member Ronnie Bagwell, 2nd by Craig Sartin, the Board voted

unanimously to remand the matter to the Internal Review Committee for further review and consideration.

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PETITIONERS

Hallandale Pharmacy, Permit to Operate as a Pharmacy, Permit Number 15930/7.1
Motion by Board Member Tony Wait, 2nd by Craig Sartin, to vacate the prior Board Order issued against Hallandale Pharmacy and issue a new Order with the same monetary penalty and note that the permit of Hallandale Pharmacy had expired, and Hallandale Pharmacy would not apply for reinstatement of its pharmacy permit for a period of three (3) years. Motion did not carry.

Upon a motion by Board Member Jillian Foster, 2nd by Board Member David Hudson, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing an appealable order of the Board. On a motion by Board Member Craig Sartin and a 2nd 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 the executive session. After an administrative hearing on this matter, the Board issued the attached Order.

Lisa Stuart Smith, License to Practice Pharmacy Number E-010355
After an administrative hearing on this matter, the Board issued the attached Order.

Austine Onyia, Intern/Extern Registration IE-08723
After an administrative hearing on this matter, the Board issued the attached Order.

The Board adjourned at 3:25 p.m.

These March 28, 2024, MINUTES of the Board are hereby approved this the 30th day of May, 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Ryan Harper

Craig Sartin

David Hudson

Michael Gilbow

Mississippi Board of Pharmacy
March 28, 2024

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**
- **APPROVE CONTRACT WITH HORNE FOR AUDIT SERVICES**
- **CONSULTANT WAIVER REQUESTS**
    - **Ramata Sakhanoko**
    - **Nicholas Dawson**
    - **Karri Smith**
    - **Jennifer Garris**
    - **Wanda Keahey**
    - **Carly Burton**
    - **Lindsey Hudson**
    - **Jana Jennings**
    - **Jennifer Patterson**
    - **Rita Jackson Winn**

- **2024 Meeting Dates**
    - **May 29, 2024, IRC; May 30, 2024, Full Board**
    - **July 24, 2024, IRC; July 25, 2024, Full Board**
    - **September 18, 2024, IRC; September 19, 2024, Full Board**
    - **November 20, 2024, IRC; November 21, 2024, Full Board**

- **TRAVEL REQUESTS-**
    - **NCPA Congressional Pharmacy Fly In – Washington D.C. – April 16-19, 2024-Craig Sartin**
    - **Mississippi Independent Pharmacies Association 2024 Annual Conference- Point Clear, AL-April 16-21, 2024-Susan McCoy, Todd Dear and Board Members**
    - **Mississippi Association of Health Plans – Point Clear, AL – June 3-5, 2024-Susan McCoy and Todd Dear**
    - **Mississippi Pharmacist Association 153rd Annual Convention-Oxford, MS- June7-8, 2024-Bord Members and Staff**
    - **Quarles and Brady Pharmacy Law Symposium, Chicago, IL – July 17-19, 2024-Susan McCoy and Avery Lee**

- **SURRENDERS**
    - **Apryl Day - Technician**
    - **Lauren Hundhausen-Technician**
    - **Janki Patel-Technician**
    - **Meoshie Jones-Technician**
    - **Madeline Broadus-Technician**
    - **Scott Kitchens-Technician**
    - **Amanda Russell-Pharmacist**
    - **Ben Burns-Pharmacist**

III. EXECUTIVE DIRECTOR REPORT

IV. REGULATION WORKING GROUP

- **Article XXX, Article XXXV, Administrative Rules**
- **Article XXXII**

V. GENERAL BUSINESS

- **Marc Wagner- Outsourcing Facilities Association**

VI. RESPONDENTS

• **Lyquita Wilson**	**Respondent**
• **Park Place Pharmacy**	**Respondent**
• **Curtis Dykes**	**Respondent**
• **Clint Bane**	**Respondent**
• **Clint's Pharmacy**	**Respondent**
• **Dees America Supply**	**Respondent**
• **Gem Drugs**	**Respondent**
• **Pioneer Pharmacy**	**Respondent**

VII. PETITIONERS

• **Hallandale Pharmacy**	**Petitioner**
• **Lisa Stuart Smith**	**Petitioner**
• **Austine Onyia**	**Petitioner**

Came on March 28, 2024, the matter of Apryl Day, Pharmacy Technician Registration Number PT-227320, 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 Mike Gilbow 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:

APRYL DAY
3930 SKYVIEW DRIVE
APT. 13C
JACKSON, MS 39213

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-227320

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Apryl Day, Pharmacy Technician Registration Number PT-227320, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Apryl Day, Pharmacy Technician Registration Number PT-227320, 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, Apryl Day, Pharmacy Technician Registration Number PT-227320, admitted that while employed by Walgreens #07184, Permit 05967/1.2, she clocked in for work and then left the pharmacy for several hours without clocking out. She later returned to finish her shift. Due to her not clocking out for the time she was gone, Day was paid for hours that she did not work. Day surrendered her pharmacy technician registration on December 22, 2023.

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-227320, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent did not appear for the hearing and the hearing was held in absentia.

(5) The Respondent committed the violation as charged.
(6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-227320.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-227320 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Sixty-Seven Dollars and Seventy-Three Cents ($267.73).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Lauren Hundhausen, Pharmacy Technician Registration Number PT-226982, 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 Mike Gilbow 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:

LAUREN HUNDHAUSEN
4078 MONTICELLO ROAD
WESSON, MS 39191

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-226982

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Lauren Hundhausen, Pharmacy Technician Registration Number PT-226982, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Lauren Hundhausen, Pharmacy Technician Registration Number PT-226982, 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, Lauren Hundhausen, Pharmacy Technician Registration Number PT-226982, admitted that while employed at Walgreens #0116, Permit No. 06235/1.2, she used the customer rewards program for her own personal purchases. Hundhausen surrendered her pharmacy technician registration on December 19, 2023.

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-226982, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent did not appear for the hearing and the hearing was held in absentia.
(5) The Respondent committed the violation as charged.
(6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-226982.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-226982 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Fourteen Dollars and Sixty-Two Cents ($114.62).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Janki Patel, Pharmacy Technician Registration Number PT-223697, 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 Mike Gilbow 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:

JANKI PATEL
441 YACHT CLUB DRIVE
DIAMONDHEAD, MS 39525

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-223697

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Janki Patel, Pharmacy Technician Registration Number PT-223697, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Janki Patel, Pharmacy Technician Registration Number PT-223697, 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, Janki Patel, Pharmacy Technician Registration Number PT-223697, admitted that while employed at Walgreens #07579, Permit No. 05939/1.2, she used the Walgreens rewards program for personal use, which valued approximately Three Hundred Sixty-Five Dollars ($365.00). Patel surrendered her pharmacy technician registration on January 8, 2024.

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-223697, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent did not appear for the hearing and the hearing was held in absentia.
(5) The Respondent committed the violation as charged.
(6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-223697.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-223697 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Forty-Two Dollars and Forty-Three Cents ($142.43).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Meoshie Jones, Pharmacy Technician Registration Number PT-225389, 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 Mike Gilbow 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:

MEOSHIE JONES
2027 RED OAK DRIVE
BRANDON, MS 39042

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-225389

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Meoshie Jones, Pharmacy Technician Registration Number PT-225389, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Meoshie Jones, Pharmacy Technician Registration Number PT-225389, 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, Meoshie Jones, Pharmacy Technician Registration Number PT-225389, admitted that while employed at Walgreens #12822, Permit No. 08028/1.2, she used customer coupons for her own personal purchases. Jones surrendered her pharmacy technician registration on December 19, 2023.

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-225389, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent did not appear for the hearing and the hearing was held in absentia.
(5) The Respondent committed the violation as charged.
(6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-225389.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-225389 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Fourteen Dollars and Sixty-Two Cents($114.62).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Scott Kitchens, Pharmacy Technician Registration Number PT-214877 , 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 Mike Gilbow 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:

SCOTT KITCHENS
525 OAK DRIVE
ABERDEEN, MS 39730

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-214877

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Scott Kitchens, Pharmacy Technician Registration Number PT-214877, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Scott Kitchens, Pharmacy Technician Registration Number PT-214877, 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, Scott Kitchens, Pharmacy Technician Registration Number PT-214877, admitted that while employed as a pharmacy technician at Currie's Family Care Pharmacy of Aberdeen, Inc., Permit Number 04754/1.1, he accessed the pharmacy after hours and took several Viagra and Norco 10/325mg tablets. Kitchens surrendered his pharmacy technician registration on November 13, 2023.

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-214877, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-83, 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-214877.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-214877 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.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Five Hundred Sixty-Two Dollars and Three Cents ($562.03).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of his registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28th, 2024, the matter of Amanda E. Russell, License to Practice Pharmacy, Certificate of Registration Number E-09597, 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 Mike Gilbow 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:

AMANDA R. RUSSELL
155 MAGNOLIA DRIVE
ASHLAND, MS 38603

LICENSE TO PRACTICE PHARMACY NUMBER E-09597

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Amanda E. Russell, License to Practice Pharmacy, Certificate of Registration Number E-09597, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Amanda E. Russell, License to Practice Pharmacy, Certificate of Registration Number E-09597, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 H:

Failure to comply with lawful orders of the Board.

Specifically, on January 19, 2023, the Board issued an Order reinstating the License to Practice Pharmacy, Certificate of Registration Number E-09597, for Amanda Russell with the following restrictions and conditions:

- License to Practice Pharmacy, Certificate of Registration Number E-09597 is suspended for six (6) months and shall be automatically reinstated on July 25,2023.
    - License to Practice Pharmacy, Certificate of Registration Number E-09597 shall not serve as a pharmacist-in-charge of any facility in this state.
    - License to Practice Pharmacy, Certificate of Registration Number E-09597 shall not perform pharmacist duties in a pharmacy in this state unless she is under the direct supervision of another licensed pharmacist.
- The Petitioner's intern registration and pharmacist license shall be placed on probation for ten (10) years beginning January 19, 2023, and expiring January 18, 2033;
- The Petitioner shall enter into a ten (10) year Board approved contract with the Mississippi Association of Recovering Pharmacists (MARP) and comply with all terms of that contract. A copy of the contract shall be provided to the Mississippi Board of Pharmacy;
- The Petitioner shall be subject to the following conditions and restrictions indefinitely:
    - Petitioner shall abstain from the use of alcohol or the unauthorized use of controlled substances or other habit-forming legend drugs;

- Petitioner shall not take any mood-altering drug which has not been prescribed for her;
- Petitioner shall immediately inform the Board in writing (by email or fax) of all medications prescribed for her, stating the name of the drug, the number and strength of the doses prescribed, the dosage regimen and the name and registration number of the prescriber;
- The Petitioner shall submit a urine specimen, serum specimen or hair sample when requested by the Board or any agent of the Board of Pharmacy;
- Petitioner shall keep the Board informed at all times as to the place of her employment as a Pharmacist and any change in residential address;
- Petitioner shall submit a written quarterly report (on a form prescribed by the Board) to the Board, due the first week of January, April, July and October, detailing her personal and professional well-being.

Russell submitted to a hair screen on November 5, 2023 and the results of the screen indicated positive for extended opiates specifically Hydrocodone. Russell admitted to taking Hydrocodone from a friend. Russell did not have a prescription for this medication. This is a violation of the January 19, 2023 Board Order, which prohibited Russell from taking any mood-altering drug which was not prescribed for her. Amanda E. Russell surrendered her License to Practice Pharmacy, Certificate of Registration Number E-09597, on November 17, 2023.

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 License to Practice Pharmacy, Certificate of Registration Number E-09597, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

(4) The Respondent did not appear for the hearing and the hearing was held in absentia.

(5) The Respondent committed the violation as charged.

(6) The Respondent voluntarily surrendered her pharmacist license.

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 Number E-09597.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy Number E-09597 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her license. The Board will not consider a petition for reinstatement of this license until at least one (1) year from the date of this Order.

- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Two Hundred Sixty-Seven Dollars and Forty-Four Cents ($267.44).
- The total cost of investigation and conduct of proceeding shall be paid by the Respondent prior to the reinstatement of her license.
- The cost of investigation and conduct of proceeding shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Ben Burns, Pharmacist License, Certificate of Registration Number E-08490, 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 Mike Gilbow 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:

BEN BURNS
1519 WEST QUTIMAN STREET
IUKA, MS 38852

LICENSE TO PRACTICE PHARMACY NUMBER E-08490

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Ben Burns, Pharmacist License, Certificate of Registration Number E-08490, pursuant to Section 73-21-83 Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Ben Burns, Pharmacist License, Certificate of Registration Number E-08490, 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.

Count 2:
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, on January 2, 2024, Ben Burns, Pharmacist License, Certificate of Registration Number E-08490, admitted to being addicted to Percocet and Temazepam. He also admitted to diverting Percocet and Temazepam from the two stores he owns, Burnsville Discount Drugs, Permit Number 06194/1.1, and Rushing Drug Co., Permit Number 00207/1.1. Burns surrendered his Pharmacist License on January 2, 2024.

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, Certificate of Registration Number E-08490, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.
(4) The Respondent failed to appear before the Board for an administrative hearing on this matter and the hearing was held in absentia.
(5) The Respondent committed the violations as charged.
(6) The Respondent voluntarily surrendered his License to Practice Pharmacy.

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 Pharmacist License, Certificate of Registration Number E-08490.
- Pursuant to Section 73-21-103(1)(b), Mississippi Code of 1972, Annotated, Pharmacist License, Certificate of Registration Number E-08490 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his license. The Board will not consider a petition for reinstatement of this license until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Two Thousand Ninety Dollars and One Cent ($2,090.01).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of his license.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

ARTICLE XXX: LONG-TERM CARE FACILITIES (LTCF)

A. CONSULTING PHARMACISTS TO NURSING HOMES

1. Unless specifically authorized by the Board, no person shall serve as a consultant pharmacist or act or purport to act in this capacity to any nursing home unless he/she possesses the following qualifications:
   A. Have and maintain a license to practice pharmacy within the State of Mississippi;
   B. Have attended within the last two years a training course of not less than eight (8) hours in LTC or geriatric related pharmacy services that has been approved by the Board of Pharmacy;
   C. In order to be approved by the Board of Pharmacy, the training course for a consultant pharmacist shall provide instruction in the areas of clinical pharmacy services, drug distribution systems and state and federal pharmacy regulations governing the practice of long-term care pharmacy.

2. For purposes of this ARTICLE, a Consultant Pharmacist shall mean a Mississippi licensed pharmacist who is responsible for developing, coordinating and supervising pharmaceutical services on a regularly scheduled basis in a LTCF, as well as the following responsibilities.

   A. Reviewing policies and procedures regarding the distribution and storage of medications within the facility and as necessary making recommendations to the facility and provider pharmacist;
   B. Monitoring utilization and therapeutic response of medications prescribed for and administered to residents of the facility as well as providing consultation on matters related to medications;
   C. Serving as a resource for pharmacy related educational services within the facility;
   D. Communication and discussion with the provider pharmacist regarding areas of concern and resolution thereof;
   E. Serving on appropriate committees;
   F. Supervising and assisting in the disposal of all discontinued, expired, or otherwise un-needed controlled substance medications;
   G. Reviewing records of the destruction of all medications and verification of the reasons for destruction;
   H. Ensuring that complete and accurate records of the acquisition and disposition of controlled substance medications which have been dispensed for residents of the institutional facility are maintained;
   I. Attending, within the last two (2) years, a consultant pharmacist seminar which has been approved by the Board;
   J. Maintain consultant pharmacist eligibility as described in Section 1.

3. A LTCF which is permitted by the Board and where the services of a consultant pharmacist are required shall have the following responsibilities:
   A. Policy Manual. The institution shall develop policies and procedures regarding

pharmacy services which include, but are not limited to, proper labeling of patient medications and emergency drugs, security of patient medications and emergency drugs, administration and controlled substances record-keeping and accountability. This procedural manual shall be the responsibility of the institution and is to be promulgated with the concurrence of the consultant pharmacist, nursing home administrator and the directors of medical and nursing services.

B. Reference. Reference materials shall be readily available in the nursing stations(s) and contain current editions of appropriate reference materials as may be deemed necessary by the consultant pharmacist and the medical and nursing directors.

C. Reporting. The institution shall establish policies and procedures which assures that all medication errors and adverse drug reactions are reported immediately to the patient's physician and the consultant pharmacist, and an entry made in the patient's record. These procedures should assure that corrective measures are implemented. The consultant pharmacist should be notified within twenty-four (24) hours of discovery of any discrepancy in counts or of a loss of any controlled substances. The consultant pharmacist should notify the Board immediately upon his/her notification with a plan to investigate the loss.

D. Emergency Medication Kits. The institution shall establish policies and procedures which assure that the institution is in compliance with ARTICLE XXXV INSTITUTIONAL EMERGENCY MEDICATION KIT PERMITS (FIRST DOSE KITS) FOR LONG TERM CARE FACILITIES AND OTHER APPROVED INSTITUTIONAL FACILITIES of these Pharmacy Practice Regulations.

E. Disposal of Patient Medication. The LTCF, with the assistance of the consultant pharmacist shall establish policies and procedures which assures the proper disposal of any discontinued, expired, or otherwise unwanted patient medications. Policies and procedures should ensure that any medication removed subject to destruction does not have a current valid order for the medication on the patient's medication profile. Policies and Procedures for disposal of these medications should include as follows:

(1) All unwanted patient medications should remain in a secured location at the institution until proper disposal is made;

(2) Documentation of any disposal of patient medications should include a paper trail from the time the medication was logged into the discontinued drug storage area until destruction is made. This paper trail shall include a log containing the patient name, medication and strength, and quantity to be destroyed as well as the initials of the person logging in the medication for destruction. This documentation should be stored at the institution and be readily retrievable for inspection by Board Agents for a period of two (2) years;

(3) Discontinued and unwanted patient medications shall be destroyed on a timely basis not to exceed sixty (60) days from the date that the medication was discontinued. Any such destruction shall be performed by two licensed personnel and documented by their signatures. The consultant pharmacist is valid personnel to participate in this activity.

4. A consultant pharmacist shall document communication of the findings of his/her reviews to the attending physician and director of nursing along with their responses and maintain these records for a period of two (2) years. A copy of these reviews must be maintained at the facility and available for inspection.

B. UNIT DOSE DISPENSING FOR LTCF

Definitions:

For the purpose of this ARTICLE XXX, the following definitions apply:

(1) "Provider pharmacist" means a pharmacist licensed to practice pharmacy by the Board who is responsible for supervising the accurate dispensing and proper delivery of medications to a LTCF located within this state. These services shall include, at a minimum, proper medication labeling, storage, transport, record keeping, and prospective drug utilization review in compliance with all federal, state and local laws and regulations.
(2) "Provider Pharmacy" means any pharmacy permitted by the Board where medications are dispensed to residents of a long-term care facility located in this state.
(3) "Unit dose package" is a package, which contains one dose of a medication for administration to a patient. A unit dose package may contain one or more individual units or fractions of units of a distinct medication.
(4) "Unit of issue package" is a medication package issued by a provider pharmacy, which provides multiple units/dosages of medications attached to each other but separated in a card or a specifically designed container.
(5) "Multi-dose strip packaging" (MDS) is a medication package issued by a provider pharmacy which provides multiple distinct medications to be administered at the same time.

1. Packaging for all non-sterile medications stored and dispensed in single unit dose, unit dose, unit of issue or MDS packages for use in a LTCF shall:
   A. Preserve and protect the identity and integrity of the drug medication from the point of packaging to the point of patient administration;
   B. When packaged by the manufacturer or distributor, be in compliance with Federal Food and Drug Administration guidelines;
   C. Shall be in containers clean and free of extraneous matter when the dosage unit(s) are placed into the package;
   D. Utilize containers, which are classified according to USP Standard 671 as being Class A or Class B for oral solid dosage forms or tight containers for liquid dosage forms.

2. Labeling for unit dose packaging or multi-dose strip packaging shall comply with the following;
   A. When packaged by the manufacturer or distributor shall be

properly labeled according to Federal Food and Drug Administration requirements;

B. Unit doses or multi-dose strip packaging packaged by the provider pharmacy shall be properly labeled according to ARTICLE XXIX. If needed, the provider pharmacy may utilize an external container to provide required labeling elements. The name of the patient, drug, dosage strength and form must be on the primary packaging.

C. Labeling for unit of issue packages shall contain the following information: Name and facility specific patient identifier (e.g., room or bed number of patient), name of prescribing practitioner, name and strength of drug, directions for use, and the name and address of the provider pharmacy when utilized for patients in an LTCF setting.

3. If a pharmacist selects a generically equivalent drug product for a brand name drug product prescribed by a practitioner, labeling must comply with ARTICLE X of the Pharmacy Practice Regulations of the Board.

4. Expiration dating for non-sterile medications dispensed and packaged into single unit doses, unit doses, and unit of issue packages shall meet the following conditions:
   A. Not exceed the manufacturer's original expiration date;
   B. Have an expiration date assigned based on the unit dose container manufacturer's recommendations;
   C. May exceed ninety (90) days from date of repackaging provided that the container is classified according to USP Standard 671 as being Class A or Class B for oral solid dose forms or is a tight container for liquid dosage forms, the container is light resistant when the manufacturer has labeled the drug product "sensitive to light", and the expiration date is not greater than twelve (12) months;
   D. Drugs or dosage forms having known stability problems or that are not packaged as defined in Article XXX are assigned an expiration date of less than ninety (90) days.

   The shortest time span of any of the listed conditions shall be the expiration date assigned to the medication.

C. RETURN OF MEDICATIONS FROM A LTCF TO THE PROVIDER PHARMACY

1. Medication that has been dispensed for a patient residing in a LTCF facility may be returned to the provider pharmacy provided that the medication has an approved reason for return as follows:
   A. Medication was discontinued prior to delivery;
   B. Patient no longer a patient or expired prior to medication being delivered;
   C. Medication dosage changed prior to delivery;
   D. Medication is considered to be dispensed when it leaves the dispensing pharmacy and is delivered to the LTCF.

Any medication subject to return must be intact with no doses removed from blister package (unit dose) and must not have had contact with other medications. Medications, which have been dispensed and placed in bulk packages and accepted by a responsible person at the LTCF, shall not be returned to the dispensing pharmacy for any reason. All medication subject to return, must be returned to the provider pharmacy by pharmacy personnel within five (5) days. No controlled substances may be returned.

The provider pharmacy must implement approved procedures, which ensure that any returned medication has been properly stored, has not been tampered with, and the integrity of the medication remains intact. Paper trails tracking these procedures must be maintained by the provider pharmacy for a period of two (2) years and be readily retrievable for inspection by agents of the Board.

ARTICLE XXX ~~INSTITUTIONAL/~~LONG-TERM CARE FACILITIES (LTCF)

A. CONSULTING PHARMACISTS TO ~~INSTITUTIONAL (LTC) FACILITIES~~ NURSING HOMES

1. Unless specifically authorized by the Board ~~to do so~~, no person shall serve as a consultant pharmacist or act or purport to act in this capacity to any nursing home ~~institutional facility~~ unless he/she possesses the following qualifications:
   A. Have and maintain a license to practice pharmacy within the State of Mississippi;
   B. Have attended within the last two years a training course of not less than eight (8) hours in LTC or geriatric related ~~institutional~~ pharmacy services that has been approved by the Board of Pharmacy;
   C. In order to be approved by the Board of Pharmacy, the training course for a consultant pharmacist ~~to an institutional facility~~ shall provide instruction in the areas of clinical pharmacy services, drug distribution systems and state and federal pharmacy regulations governing the practice of ~~institutional~~ long term care pharmacy.

2. For purposes of this ARTICLE, a Consultant Pharmacist shall mean a Mississippi licensed pharmacist who is responsible for developing, coordinating and supervising pharmaceutical services on a regularly scheduled basis in a~~n institutional facility~~ LTCF, as well as the following responsibilities.

   A. Reviewing policies and procedures regarding the distribution and storage of medications within the facility and as necessary making recommendations to the facility and provider pharmacist;
   B. Monitoring utilization and therapeutic response of medications prescribed for and administered to residents of the facility as well as providing consultation on matters related to medications;
   C. Serving as a resource for pharmacy related educational services within the facility;
   D. Communication and discussion with the provider pharmacist regarding areas of concern and resolution thereof;

E. Serving on appropriate committees;
F. Supervising and assisting in the disposal of all discontinued, expired, or otherwise un- needed controlled substance medications;
G. Reviewing records of the destruction of all medications and verification of the reasons for destruction;
H. Ensuring that complete and accurate records of the acquisition and disposition of controlled substance medications which have been dispensed for residents of the institutional facility are maintained;
I. Attending, within the last two (2) years, a consultant pharmacist seminar which has been approved by the Board;
J. Maintain consultant pharmacist eligibility as described in Section 1.

3. A ~~Long Term Care Facility~~ LTCF which is permitted by the Board and where the services of a consultant pharmacist are required shall have the following responsibilities:
   A. Policy Manual. The institution shall develop policies and procedures regarding pharmacy services which includes~~,~~ but ~~is~~ are not limited to, proper labeling of patient medications and emergency drugs, security of patient medications and emergency drugs, administration and controlled substances record-keeping and accountability. This procedural manual shall be the responsibility of the institution and is to be promulgated with the concurrence of the consultant pharmacist, nursing home administrator and the directors of medical and nursing services.
   B. Reference. Reference materials shall be readily available ~~located~~ in the nursing stations(s) and contain current editions of appropriate reference materials as may be deemed necessary by the consultant pharmacist and the medical and nursing directors.
   C. Reporting. The institution shall establish policies and procedures which assures that all medication errors and adverse drug reactions are reported immediately to the patient's physician and the consultant pharmacist and an entry made in the patient's record. These procedures should assure that corrective measures are implemented. The consultant pharmacist should be notified within twenty-four (24) hours of discovery of any discrepancy in counts or of a loss of any controlled substances. The consultant pharmacist should notify the Board immediately upon his/her notification with a plan to investigate the loss.
   D. Emergency Medication Kits. The institution shall establish policies and procedures which assure that the institution is in compliance with ARTICLE XXXV INSTITUTIONAL EMERGENCY MEDICATION KIT PERMITS (FIRST DOSE KITS) FOR LONG TERM CARE FACILITIES AND OTHER APPROVED INSTITUTIONAL FACILITIES of these Pharmacy Practice Regulations.
   E. Disposal of Patient Medication. The ~~Long Term Care Facility~~ LTCF, with the assistance of the consultant pharmacist shall establish policies and procedures which assures the proper disposal of any discontinued, expired, or otherwise unwanted patient medications. Policies and procedures should ensure that any medication removed subject to destruction, does not have a current valid order for

the medication on the patient's medication profile. Policies and Procedures for disposal of these medications should include as follows:

(1) All unwanted patient medications should remain in a secured location at the institution until proper disposal is made;

(2) Documentation of any disposal of patient medications should include a paper trail from the time the medication was logged into the discontinued drug storage area until destruction is made. This paper trail shall include a log containing the patient name, medication and strength, and quantity to be destroyed as well as the initials of the person logging in the medication for destruction. This documentation should be stored at the institution and be readily retrievable for inspection by Board Agents for a period of two (2) years;

(3) Discontinued and unwanted patient medications ~~should~~ shall be destroyed on a timely basis not to exceed ~~ninety~~ sixty ~~(90)~~ (60) days from the date that the medication was discontinued. Any such destruction ~~should~~ shall be performed by two licensed personnel and documented by their signatures. The consultant pharmacist is valid personnel to participate in this activity.

4. A consultant pharmacist shall document communication of the findings of his/her reviews to the attending physician and director of nursing along with their responses and maintain these records for a period of two (2) years. A copy of these reviews must be maintained at the facility and available for inspection.

B. UNIT DOSE DISPENSING ~~SYSTEMS~~ FOR ~~(~~LTCF~~)~~

Definitions:

For the purpose of this ARTICLE XXX, the following definitions apply:

(1) "Provider pharmacist" means a pharmacist licensed to practice pharmacy by the Board who is responsible for supervising the accurate dispensing and proper delivery of medications to a ~~(~~LTCF~~)~~ located within this state. These services shall include, at a minimum, proper medication labeling, storage, transport, record keeping, and prospective drug utilization review in compliance with all federal, state and local laws and regulations.

(2) "Provider Pharmacy" means any pharmacy permitted by the Board where medications are dispensed to residents of a long term care facility located in this state.

~~(3) "Single unit dose package" is a package, which contains one discrete pharmaceutical medication dosage form.~~

~~(4) "Unit dose dispensing systems" are those drug medication distribution systems determined by the Board, which involve single unit, unit dose or unit of issue packaging in a manner which helps reduce or remove traditional drug stocks from patient care areas and enables the selection and distribution of~~

~~medications to be provider pharmacy based and controlled. A unit dose dispensing system shall preserve the identity and the integrity of the medication until the time of administration.~~

(3) "Unit dose package" is a package, which contains one dose of a medication ~~that particular dose of a medication ordered for the patient for one administration time.~~ for administration to a patient. A unit dose package may contain one or more individual units or fractions of units of a distinct medication ~~is not always a single unit dose package.~~

(4) "Unit of issue package" is a medication package issued by a provider pharmacy, which provides multiple units/dosages of medications attached to each other but separated in a card or a specifically designed container.

(5) "Multi-dose strip packaging" (MDS) is a medication package issued by a provider pharmacy which provides multiple distinct medications to be administered at the same time.

1. Packaging for all non-sterile medications stored and dispensed in single unit dose, unit dose, unit of issue or MDS packages for use in ~~(LTCF) other than hospitals shall:~~ a LTCF shall:
   A. Preserve and protect the identity and integrity of the ~~drug~~ medication from the point of packaging to the point of patient administration;
   B. When packaged by the manufacturer or distributor, ~~be in compliance~~ comply with Federal Food and Drug Administration guidelines;
   C. Shall be in containers clean and free of extraneous matter when the dosage unit(s) are placed into the package;
   D. Utilize containers, which are classified according to USP Standard 671 as being Class A or Class B for oral solid dosage forms or ~~is a~~ tight containers for liquid dosage forms.

2. Labeling for ~~single~~ unit dose ~~or unit dose~~ packaging or multi-dose strip packaging shall comply with the following;
   A. ~~Single unit doses or unit doses~~ When packaged by the manufacturer or distributor shall be properly labeled according to Federal Food and Drug Administration requirements;
   B. ~~Single unit doses or~~ Unit doses or multi-dose strip packaging packaged by the provider pharmacy shall be properly labeled according to ARTICLE XXIX ~~paragraph 7~~. If needed, the provider pharmacy may utilize an external container to provide required labeling elements. The name of the patient, drug, dosage strength and form must be on the primary packaging.

   C. Labeling for unit of issue packages shall contain the following information: Name and facility specific patient identifier (e.g., room or bed number of patient), name of prescribing practitioner, name and strength of drug, directions for use, and the name and address of the provider pharmacy when ~~a unit of issue package is~~ utilized for patients in an ~~(~~LTCF~~)~~ setting.

3. If a pharmacist selects a generically equivalent drug product for a brand name drug

product prescribed by a practitioner, labeling must comply with ARTICLE X of the Pharmacy Practice Regulations of the Board.

4. Expiration dating for non-sterile medications dispensed and packaged into single unit doses, unit doses, and unit of issue packages shall meet the following conditions:
   A. Not exceed the manufacturer's original expiration date;
   B. Have an expiration date assigned based on the unit dose container manufacturer's recommendations;
   C. May exceed Ninety (90) days from date of repackaging provided that the container is classified according to USP Standard 671 as being Class A or Class B for oral solid dose forms or is a tight container for liquid dosage forms, the container is light resistant when the manufacturer has labeled the drug product "sensitive to light", and the expiration date is not greater than twelve (12) months;
   D. Drugs or dosage forms having known stability problems or that are not packaged as defined in Article XXX are assigned an expiration date of less than ninety (90) days ~~or are not repackaged as determined by policies developed by the provider pharmacy.~~

   The shortest time span of any of the listed conditions shall be the expiration date assigned to the medication.

C. RETURN OF MEDICATIONS FROM A~~N~~ LTCF ~~INSTITUTIONAL FACILITY~~ TO THE PROVIDER PHARMACY

1. Medication that has been dispensed for a patient residing in a~~n~~ LTCF ~~institutional facility~~ may be returned to the provider pharmacy provided that the medication has an approved reason for return as follows:
   A. Medication was discontinued prior to delivery;
   B. Patient no longer a patient or expired prior to medication being delivered;
   ~~C. Patient in the hospital (discharge status) at time of delivery;~~
   D. Medication dosage changed prior to delivery;
   ~~E. Patient has excessive medications remaining from previous cycle (requires written explanation by the Director of Nurses);~~
   F. Medication is considered to be dispensed when it leaves the dispensing pharmacy and is delivered to the ~~institutional facility.~~ LTCF.

   Any ~~such~~ medication subject to return must be intact with no doses removed from blister package (unit dose) and must not have had contact with other medications. Medications, which have been dispensed and placed in bulk packages and accepted by a responsible person at the LTCF, shall not be returned to the dispensing pharmacy for any reason. All medication subject to return, must be returned to the provider pharmacy by pharmacy personnel within five (5) days. No controlled substances may be returned.

   The provider pharmacy must implement approved procedures, which ensure that any

returned medication has been properly stored, has not been tampered with, and the integrity of the medication remains intact. Paper trails tracking these procedures must be maintained by the provider pharmacy for a period of two (2) years and be readily retrievable for inspection by agents of the Board.

TITLE 30: PROFESSIONS AND OCCUPATIONS

PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

ARTICLE XXXV INSTITUTIONAL EMERGENCY MEDICATION KIT PERMITS (FIRST DOSE KITS) FOR LONG TERM CARE FACILITIES AND OTHER APPROVED INSITUTIONAL FACILITIES

1. Institutions, excluding hospitals, that desire to maintain a stock of prescription drugs provided by a supplying pharmacy for emergency use by patients who are confined to the institution, shall obtain an Institutional Emergency Medication Kit (IEMK) permit from the Mississippi Board of Pharmacy. Emergency use is the procurement of non-patient assigned medications from a stock supply for the purpose of initiating medication therapy or supplying non-routine medications to provide for optimal patient care. Emergency kits as described in this article are not crash carts that are maintained by the institution for resuscitative care.
   A. Permit. The IEMK permit shall be classified as either a Manual IEMK or an Automated IEMK. The manual IEMK permit is required if the dispensing method is such that the release of each individual dose is not electronically integrated to the documentation required for each such release. An Automated IEMK permit shall be required if the dispensing method is such that the release of each individual dose is electronically integrated to the documentation required for each such releases. Only one (1) type of permit, either Manual or Automated, shall be issued per facility.
   B. Application for an IEMK permit shall be on a form supplied by the Board. The Application for a Manual IEMK permit shall be accompanied by a fee of One Hundred Dollars ($100.00) and the Application for an Automated IEMK permit shall be accompanied by a fee of Three Hundred Dollars ($300.00). A separate permit shall be required for each IEMK and shall be renewed biennially. The Administrator (if a nursing home or other long-term care facility) or business manager of the institution shall make application for the IEMK permit. In the event of a change of the administrator or business manager, a new permit must be obtained. Any IEMK permit renewal application postmarked after December 31 of the renewal period shall be returned and a Fifty Dollar ($50.00) late renewal fee shall be assessed prior to renewal.
   C. IEMK Inventory and Accountability
      (1) The contents of the IEMK are supplied by a pharmacy permitted by the Board. Only one supplying pharmacy may be utilized per facility;
      (2) The contents of the IEMK are jointly determined by the consultant pharmacist, medical director, director of nurses and the pharmacist supplying the IEMK;
      (3) The IEMK shall have a "par value" for each prepackaged product that is stored in the IEMK;
      (4) A copy of the inventory of the IEMK is on file in the institution and at the provider pharmacy and a physical inventory shall be taken at least annually;
      (5) A Manual IEMK permit authorizes an inventory up to sixty (60) medication items with a limit on the quantity (or par value) to no more than fifteen (15) units each of the sixty (60) medication items. A facility may choose to increase six (6) of the medication items to a maximum of thirty (30) units for those six (6) items. A

maximum of ten (10) medication items may be controlled substances with a maximum limit of ten (10) units each. A facility that requires more than one manual IEMK based on facility design or divergent patient populations may request consideration for an additional manual permit. Without multiple permits, manual IEMK's are globally restricted to the total quantity and drug counts for all kits combined. An Automated IEMK permit shall not have any limits on the quantity of the inventory, except controlled substances shall be limited to a maximum of twenty (20) medication items with a maximum limit of twenty (20) units each; each automated IEMK location requires an additional permit for the facility.

(6) An IEMK withdrawal log shall be maintained at the institution and all withdrawals of medications from the IEMK shall be documented as follows:
   (a) name and room number of resident/patient;
   (b) drug name, strength, and number of units withdrawn;
   (c) date and time of withdrawal; and
   (d) name of person withdrawing the medication.

2. Use. Emergency kit medications shall be administered to patients only for emergencies and when medications are otherwise unavailable pursuant to a valid medication order or prescription. Providing a patient starting dose(s) of a new medication regimen would be considered a valid emergency. Controlled substances may only be administered by licensed healthcare professionals.

3. Storage and Security. The IEMK shall be maintained in a securely locked room or cabinet at the institution. Access to the contents of the IEMK shall be limited to those licensed personnel designated by the director of nurses and the provider pharmacist.

4. Controlled Substances. An IEMK that contains controlled substances as allowed per 45 FR24128 (Schedule II, III, IV and V) shall be subject to the following:
   A. The institution has been issued a controlled substance registration by the Mississippi Board of Pharmacy;
   B. Controlled substances are stored in a separate locked container; and
   C. The withdrawal of controlled substances shall comply with the Mississippi Pharmacy Practice Regulations and the Drug Enforcement Administration Regulations which includes a signed prescription by the provider.

TITLE 30: PROFESSIONS AND OCCUPATIONS

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        iii. The IEMK shall have a "par value" for each prepackaged product that is stored in the IEMK;
        iv. A copy of the inventory of the IEMK is on file in the institution and at the provider pharmacy and a physical inventory shall be taken at least annually;
        v. A Manual IEMK permit authorizes an inventory up to sixty (60) medication items with a limit on the quantity (or par value) to no more than fifteen (15) units each of the sixty (60) medication items. A facility may choose to increase six (6) of the medication items to a maximum of thirty (30) units for those six (6) items.

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Title 30: Professions and Occupations

Part 3002: Mississippi Board of Pharmacy Administrative Rules

Part 3002 Chapter 1: Oral Proceedings On Proposed Regulations

Rule 1.1 Application of Chapter.
This chapter applies to all oral proceedings held for the purpose of providing the public an opportunity to make oral presentations or written input on proposed new rules or regulations, amendments to rules or regulations and proposed repeal of existing rules or regulations before the Board pursuant to the Administrative Procedures Act.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 1.2 When Oral Proceedings will be Scheduled on Proposed Regulations.
The Board will conduct an oral proceeding on a proposed regulation or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed regulation.

A. Each request must be submitted on 8-1/2" x 11" white paper or electronically in a standard letter format, i.e., MS Word, PDF, WordPerfect or other similar format and must be typewritten or printed in legible handwriting.
B. The request may be in the form of a letter addressed to the Board.
C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: *Miss. Code Ann.* §§ 25-43-2.104, 25-43-3.104

Rule 1.3 Notification of Oral Proceeding.
The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: *Miss. Code Ann.* §§ 25-43-2.104, 25-43-3.104

Rule 1.4 Presiding Officer.
The Board President or his designee, who is familiar with the substance of the proposed regulation, shall preside at the oral proceeding on a proposed regulation.

Source: *Miss. Code Ann.* § 25-43-2.104

Rule 1.5 Public Presentations and Participation.

A. At an oral proceeding on a proposed regulation, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed regulation.
B. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least

one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.

C. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
D. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
E. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
F. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

Source: *Miss. Code Ann.* § 25-43-2.104

Rule 1.6 Conduct of Oral Proceeding.

A. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall:
   1. call proceeding to order;
   2. give a brief synopsis of the proposed regulation, a statement of the statutory authority for the proposed regulation, and the reasons provided by the Board for the proposed regulation;
   3. call on those individuals who have contacted the Board about speaking on or against the proposed regulation;
   4. allow for rebuttal statements following all participant's comments;
   5. adjourn the proceeding.
B. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that regulation-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.
C. Physical and Documentary Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.
D. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann.* § 25-43-2.104

Part 3002 Chapter 2: Declaratory Opinions

Rule 2.1 Application of Chapter.

This chapter sets forth the Board's rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the Board's procedures regarding the disposition of requests as required by Mississippi Code § 25- 43-2.103.

Source: *Miss. Code Ann.* § 25-43-2.104

Rule 2.2 Scope of Declaratory Opinions.
The Board will issue declaratory opinions regarding the applicability to specified facts of:

A. a statute administered or enforceable by the Board;
B. a rule or regulation promulgated by the Board, or
C. an order issued by the Board.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 2.3 Scope of Declaratory Opinion Request.
A declaratory opinion request must be limited to a single transaction, occurrence or issue.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 2.4 Persons Who May Request Declaratory Opinions.
Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Board" means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 2.5 How to Submit Requests for Declaratory Opinions.
When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the person must submit a printed, typewritten, or legibly handwritten request.

A. Each request must be submitted on 8-1/2" x 11" white paper or electronically in a standard letter format, i.e., MS Word, PDF, WordPerfect or other similar format.
B. The request may be in the form of a letter addressed to the Board or in the form of a pleading as if filed with a court.
C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
E. Each request must clearly state that it is a request for a declaratory opinion.
F. All requests must be mailed, emailed, delivered or transmitted via facsimile to the Board. No oral or telephone requests will be accepted for official declaratory opinions.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 2.6 Signature Attestation.
Any party who signs the request shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 2.7 Content of Request.
Each request must contain the following:

A. A clear identification of the statute, rule, or order at issue;
B. The question for the declaratory opinion;
C. A clear and concise statement of all facts relevant to the question presented;
D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number;
E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request;
F. A suggested proposed opinion, stating the answers desired by requestor and a summary of the reasons in support of those answers;

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 2.8 Reasons for Refusal to Issue a Declaratory Opinion Upon a Request.
The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. The matter is outside the primary jurisdiction of the Board;
B. Lack of clarity concerning the question presented;
C. There is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
E. The facts presented in the request are not sufficient to answer the question presented;
F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought;
H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order;
I. The question presented by the request concerns the legal validity of a statute, rule, or order;
J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;
K. No clear answer is determinable;
L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime;
M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
N. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
O. A similar request is pending before this agency, or any other agency, or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law; or
P. The question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency and there is a statutory or regulatory application process by which eligibility

for said license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 2.9 Agency Response.
Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances;
B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or
C. Decline to issue a declaratory opinion, stating the reasons for its action.

The forty-five (45) day period shall begin on the first business day after which the request is received by the Board.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 2.10 Availability of Declaratory Opinions and Requests for Opinions.
Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by requestor's name, subject and date of issuance. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 2.11 Notice by Board to third parties.
The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 2.12 Effect of a Declaratory Opinion.
The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Part 3002 Chapter 3: Public Records

Rule 3.1 Public Record Requests Procedures.

This rule establishes procedures and fees associated with all public requests for copies and/or inspection of public documents.

A. Submission of Requests.
   1. All requests for information should be submitted to the Mississippi Board of Pharmacy either in writing or via email.
   2. No verbal or telephone requests can be accepted.
   3. The request should specifically outline the records that are being requested.

B. Timetable for processing.
   All document requests will be approved or denied within seven (7) business days after the request is received. In the event of a denial for all or part of the request, the Board will provide an explanation of the denial to the requestor in writing. If the requested information is unable to be produced by the seventh day after the request is made, the Board will provide a written explanation regarding why the document cannot be produced during that timeframe. Unless there is a mutual agreement of the parties, in no case shall the production of the requested records, after timely payment and unless otherwise exempt, be any later than fourteen (14) working days from the receipt of the request.

C. Exempt Documents.
   Some documents are exempt from publication such as personnel records, attorney communications and work products of attorneys.

D. Third Party Information.
   Records furnished to the Board by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until the third party has been advised that the documents will be released. Further, no third-party information will be released if a third party obtains a court order prohibiting the same. The requestor will be notified of any court orders that prohibit the release of the requested information.

E. Assessment of costs to the Requestor.
   Payment for information requested must be made in advance of receipt of documents and must be sufficient to cover the actual costs for the Board to furnish the information. Such costs include, but are not limited to, staff time: to evaluate the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to the deliver the information requested.
   1. No cash, credit or debit cards, or personal checks can be accepted. Money orders, certified checks, or corporate checks are accepted.
   2. An estimated cost will be provided to the requestor based on the volume of information, the format in which the information is stored and requested, and whether or not third-party information has been requested. The requestor may submit payment for processing of the request, amend the request or withdraw the request. The requestor should submit written notice of his/her intent to either proceed or withdraw the request.
   3. If no response is given by the requestor within thirty (30) days of the estimated cost notification being sent, the Board will proceed no further with the request. If at a later date, the requestor decides to proceed with the request, he/she should submit a new request.
   4. Timely payment under paragraph B. means payment received by the next business day after the estimated cost notification is provided to the requestor. By delaying the payment of the estimated fee past the next business day, the requestor acknowledges there may be a delay in the delivery of the requested documents. No request will be processed until payment is received.
   5. The decision to charge for public records is at the discretion of the Board.

F. Requests for Document Inspections.
The requestor will be billed for the total amount of time expended by employees of the Board assisting with the inspection of documents. Additional fees incident to document production may be assessed.

G. Public Information via the Internet.
Some information pertaining to the Mississippi Board of Pharmacy is available free of charge on the internet at www.mbp.state.ms.us.

Source: *Miss. Code Ann.* §§ 25-61-1 et seq., 73-21-81

Rule 3.2 Licensure Applications Exempt from Public Access.
All applications for licensure in the possession of the Board are exempt from the provisions of the Mississippi Public Records Act of 1983 pursuant to Mississippi Code Annotated Section 73-52-1.

Source: *Miss. Code Ann.* § 73-52-1.

Part 3002 Chapter 4: Background Checks

Rule 4.1 Background Check Procedures.
The Board shall conduct background checks on any individual who applies for a license, registration or permit as required by law. Background checks shall include, but not be limited to, a criminal history records check requiring the applicant to be fingerprinted.

Source: *Miss. Code Ann.* §§ 73-21-81, 73-21-85, 73-21-111, 73-21-126.

Rule 4.2 Petition for Determination.
An individual may petition the Board for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license, registration or permit. The determination petition shall be filed on a form supplied by the Board and accompanied by a fee of Twenty-Five Dollars ($25.00).

Source: *Miss. Code Ann.* § 73-77-9.

Rule 4.3 Determination Factors.
The following factors shall be used to determine if an applicant with a disqualifying criminal conviction will be denied a license:

A. The nature and seriousness of the crime for which the individual was convicted;
B. The passage of time since the commission of the crime;
C. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and
D. Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

Source: *Miss. Code Ann.* § 73-77-7.

Rule 4.4 Disqualifying Determination Notification
If the Board denies an individual a license, registration or permit solely or in part because of the individual's prior conviction of a crime, the Board shall notify the individual in writing of the following:

A. The grounds and reasons for the denial or disqualification;

B. That the individual has the right to a hearing to challenge the Board's decision;
C. The earliest date the person may reapply for a license, registration or permit; and
D. That the evidence of rehabilitation may be considered upon reapplication.

Source: *Miss. Code Ann.* § 73-77-9.

Rule 4.5 Disqualifying Crimes
An individual may be denied a license, registration or permit based on a conviction, guilty plea and/or a plea of nolo contender to a felony, which includes, but is not limited to, any of the following:

A. Any controlled substance violation;
B. Embezzlement
C. Shoplifting
D. Theft
E. Forgery
F. Burglary
G. Identity theft

In addition, the accumulation of multiple convictions, including misdemeanor convictions, and pending unresolved charges may be used to determine if an individual shall be denied a license, registration or permit.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 4.6 Mitigating Factors
Notwithstanding Rule 4.5, any criminal conviction beyond ten (10) years prior to the application shall not disqualify an individual unless extenuating circumstances exist. Those extenuating circumstances shall be enumerated in the disqualifying determination notification. Other mitigating factors to be considered in determining whether the individual's criminal record will disqualify the individual from obtaining a license, registration or permit may include, but need not be limited to:

A. age at which the crime was committed;
B. circumstances surrounding the crime;
C. length of time since the conviction and criminal history since the conviction;
D. work history;
E. current employment and character references; and
F. other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of the public.

Source: *Miss. Code Ann.* § 73-21-81.

Part 3002 Chapter 5: Disciplinary Actions

Rule 5.1 Grounds for Disciplinary Actions.

A. The Board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit of any person upon one or more of the provisions listed in Mississippi Code Annotated Section 73-21-97.
B. Unprofessional conduct. Unprofessional conduct shall include, but not be limited to:
    1. The publication or circulation of false, misleading, or otherwise deceptive statements concerning the practice of pharmacy;

2. Attempting to circumvent the patient counseling requirements, or discouraging the patient from receiving patient counseling concerning their prescription drug orders;
3. The illegal use or disclosure of Protected Health Information (PHI) or other confidential patient information; failure to maintain adequate records, systems, and security to protect against the illegal use or disclosure of PHI or other confidential patient information; or failure to maintain adequate records to account for disclosures of PHI;
4. Dispensing, selling, bartering, receiving or maintaining drugs or devices which is known or should have been known to have been stolen or diverted from the purpose for which they were distributed by a legitimate source;
5. Engaging in conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist, with proof of actual injury not having to be established;
6. Selling a drug for which a prescription drug order from a practitioner is required, without having received a valid prescription drug order for the drug;
7. Failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with the Federal laws and regulations and State laws, rules and regulations;
8. Failure to report fraudulent prescription activity to the Board or other appropriate authorities;
9. Obtaining any remuneration by fraud, misrepresentation, or deception, including, but not limited to, receiving remuneration for amending or modifying, or attempting to amend or modify, a patient's pharmacist care services, absent a clear benefit to the patient;
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;
11. Condoning or assisting in the dispensing, promotion, or distribution of drugs which do not meet the standards required by law, or which the pharmacist knows, or should know, are not obtained for legitimate medical need;
12. Destruction or alteration of any records such as prescriptions, profiles, purchase invoices, third-party vouchers, and receipts required to be kept;
13. Selling or bartering a prescription drug sample;
14. Practicing in a location which is not properly permitted or registered by the Mississippi Board of Pharmacy;

C. Physical or mental incapacity of a nature that prevents a pharmacist, a pharmacy intern/extern, or a pharmacy technician from engaging in the practice of pharmacy or assisting in the practice of pharmacy with reasonable skill, confidence and safety to the public;
D. Violation of pharmacy or drug laws of any other state or the federal government or the rules/regulations pertaining thereto;
E. Violation of any of the provisions of the Mississippi Uniform Controlled Substances Law;
F. Failing to report to the Board within thirty (30) days any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court that would constitute grounds for action;
G. Failure to immediately report directly to the Board, losses or suspected losses of controlled substances or prescription drugs;
H. Knowing or suspecting that a Pharmacist or Pharmacy Intern is incapable of engaging in the Practice of Pharmacy or that a Pharmacy Technician is incapable of assisting in the practice of pharmacy, with safety to the public, due to diversion or abuse of controlled substances or prescription drugs and failing to report such relevant information to the Board;
I. Theft or embezzlement of prescription drugs, controlled substances, medical devices, funds or

anything of value;

J. Termination of employees suspected of theft of pharmaceuticals, merchandise or anything of value without contacting the Board prior to termination;
K. 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;
L. Failure of a pharmacist licensed by the Mississippi Board of Pharmacy to register as a user of the Prescription Monitoring Program (PMP);
M. The unlawful disclosure of information from the PMP or using information obtained from the PMP for unlawful or unethical purposes;
N. Receiving, dispensing, selling, bartering or maintaining a prescription drug sample unless the pharmacy is owned by a charitable organization and is not operated for profit and has prior approval in writing by the Board. Institutional pharmacies may receive, dispense and maintain prescription drug samples that are provided by a practitioner and intended solely for administration to his/her patients confined to the institution provided no charge is made to the patient by the institution for the sample;
O. No pharmacist shall have possession of a prescription drug sample unless such sample is for treatment of a diagnosed personal medical condition;
P. Jeopardizing, compromising, interfering or failing to cooperate with any investigation conducted by the Board or any state or federal regulatory or law enforcement agency;
Q. Failure to furnish the Board, its agents or representatives any information requested by the Board, or retaliation for providing information to the Board;
R. Destruction, removal or tampering with any prescription drug, controlled substance, or medical device placed under seal, embargoed, or quarantined by the Board or any representative of the Board;
S. 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;
T. Retaliation against a pharmacist for practicing or attempting to practice pharmacy in compliance with federal and state drug or pharmacy laws and regulations;
U. Retaliation against pharmacy employees for providing information to the Board;
V. Hindering, interfering with, or restricting the reporting of suspected unlawful activity to the appropriate authorities;
W. Failure to produce evidence of continuing educations credits as required by regulation;
X. Failure by any representative of a permitted facility to acknowledge completion of an inspection by placement of a signature on the inspection form;
Y. Failure to comply with a subpoena issued by the Board.

Source: *Miss. Code Ann.* §§ 73-21-81, 73-21-97

Part 3002 Chapter 6: Disciplinary Proceedings

Rule 6.1 Disciplinary Resolutions.
All disciplinary proceedings initiated by the Board shall be brought to a final resolution through one of the following means:

A. Formal Disciplinary hearing before the Board;
B. Acceptance by the Board of a mutually agreeable Settlement Order in lieu of a hearing;
C. Issuance of an Administrative Citation by the Investigations Review Committee (IRC) and

payment of a fine by the Respondent in lieu of a hearing; or

D. Dismissal of the case.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.2 Issuance of Subpoenas.

The Board, acting by and through its executive director, is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers at a hearing. Process issued by the Board shall extend to all parts of the state and shall be served by any person designated by the Board for such service. Where any witness fails or refuses to attend upon a subpoena issued by the Board, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

A. All requests for subpoenas shall be submitted at least fifteen (15) days prior to the scheduled hearing.
B. The request must contain the identity and address of the individual to be subpoenaed.
C. If the subpoena is for records or documents, the request must include the identity and address of the custodian of such records, along with a concise description of the records to be subpoenaed.
D. The Board will serve all subpoenas by registered mail, return receipt requested or by hand delivery.
E. The Board shall charge a reasonable fee for each subpoena, not to exceed thirty-five dollars ($35.00), for preparation and service of each subpoena.

Source: *Miss. Code Ann.* §§ 73-21-99, 73-21-81.

Rule 6.3 Prehearing Motions.

All prehearing motions must be filed with the Board at least fifteen (15) days prior to the scheduled hearing. The Board President or Executive Director shall have the authority to rule on motions that are filed pursuant to this Rule. The Respondent and the Board counsel will be notified of the ruling on the motion promptly. The ruling of the Board President or Executive Director will be entered into the record at the scheduled hearing date. Motions for continuances shall be handled pursuant to Rule 6.4.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.4 Hearing Continuances.

A motion for continuance must be filed with the Board at least fifteen (15) days prior to the scheduled hearing, or upon a showing of good cause, at any time prior to the hearing. A scheduling conflict on behalf of the Respondent or Respondent's counsel shall be considered good cause, and will be liberally granted, if written proof of the scheduling conflict is submitted to the Board at least fifteen (15) days prior to the scheduled hearing. A second continuance based on scheduling conflicts shall not be granted by the Board. Failure to retain counsel in a timely manner on the part of the Respondent shall not be considered good cause. The Board President or Executive Director shall have the authority to rule on motions for continuance that are filed pursuant to this Rule. The Respondent and the Board counsel will be notified of the ruling on the motion promptly. The ruling of the Board President or Executive Director will be entered into the record at the scheduled hearing date and the rescheduled hearing date

will be set if the motion for continuance is granted.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.5 Hearing Procedures.

A. All hearings shall be conducted by the Board, which shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings.
B. The hearing shall be held at the time and place as specified in the Notice of Hearing and Complaint unless continued for good cause.
C. All hearings are open to the public, subject to the Board entering executive session, which shall be closed to the public.
D. The Board President, Vice-President or senior member of the Board will preside over the hearing.
E. The Board may be assisted by a hearing officer who shall advise the Board on matters of law and procedure and rule on all objections and motions. The hearing officer's rulings on matters of law and procedure are advisory.
F. Any Board members that participated in the IRC for the matter before the Board will recuse themselves and not participate in the hearing.
G. All hearings shall be recorded and the Board, or court reporter, shall administer oaths as may be necessary for the proper conduct of the hearing.
H. The Respondent may retain legal counsel or may represent themselves.
I. Upon direction from the Presiding Officer, the Board counsel shall present evidence and call witnesses to support the charges filed in the Notice of Hearing and Complaint.
J. The Respondent or Respondent's counsel may present evidence or call witnesses to answer the charges filed in the Notice of Hearing and Complaint.
K. The Board shall not hear evidence nor make findings on any violations that were not part of the Notice of Hearing and Complaint.
L. All witnesses at the hearing shall be subject to direct examination, cross examination and questions by the Board. Re-direct and re-cross examinations shall be at the discretion of the Board.
M. The Board should adjudicate each charge and make findings of fact on each charge as presented in the Notice of Hearing and Complaint. Any determination by the Board shall be based upon sufficient evidence to sustain it.
N. The Board shall, within thirty (30) days after the conclusion of the hearing, reduce its decision to writing and forward an attested true copy to the last-known residence or business address of the licensee or permit holder by way of United States first-class, certified mail, postage prepaid. Notice of the Order of the Board occurs on the date the Order of the Board is mailed via certified mail to, or personally served upon, the Respondent.

Source: *Miss. Code Ann.* §§ 73-21-99; 73-21-81.

Rule 6.6 Settlement Negotiations and Agreed Settlement Orders.

When the Respondent has been duly served with a Notice of Hearing and Complaint, the Respondent and/or Respondent's counsel may request Settlement negotiations for the purpose of possible resolution of the matter or for purpose of simplifying the issues for hearing or promoting stipulations as to facts

and proposed evidentiary offerings which will not be disputed at hearing.

A. The Respondent and/or his counsel and Board Counsel shall participate in the settlement negotiations. Board members who served on the Investigations Review Committee (IRC) for the matter and compliance agents who investigated the matter shall be consulted during the settlement negotiations. Other Board members may not participate nor have knowledge or input into any of the settlement negotiations.
B. Informal Discovery or exchange of information may be accomplished during the settlement negotiations.
C. Any action which the Board may take following a full disciplinary hearing may be taken by Agreed Settlement Order.
D. Any proposed Agreed Settlement Order must be approved by both Board members who served on the Investigations Review Committee (IRC) for the matter. The proposed Agreed Settlement Order shall be presented to the Board at the scheduled Hearing date and time. The terms of the Agreed Settlement Order are not effective until approved by the Board.
E. The Respondent has the obligation to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have prior to approving the proposed Agreed Settlement Order.
F. Failure of the Board to approve the proposed Agreed Settlement Order shall result in a formal disciplinary hearing before the Board on a rescheduled hearing date.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.7 Administrative Citations.

The IRC may include an Administrative Citation with the Notice of Hearing and Complaint. In lieu of a formal disciplinary hearing, the Respondent has the option to settle the matter through the payment of a fine and compliance with imposed conditions. If the Respondent does not accept the fine and conditions or respond to the Administrative Citation instructions within the time specified in the Notice, the matter shall proceed to a formal disciplinary hearing before the Board.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.8 Additional Conditions for Administrative Citations.

In addition to any fine imposed, an Administrative Citation may include corrective action or additional conditions imposed by the IRC through a Memorandum of Agreement (MOA) that must be acknowledged and agreed to by the Respondent. Failure to take corrective action or comply with the terms of an MOA shall be cause to bring the original charges for a hearing before the full Board.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.9 Petition for Relief

Any person whose license, registration and/or permit has been denied, suspended, revoked or restricted, whether voluntarily or by action of the Board, shall have the right to petition the Board at reasonable intervals for relief from such action. The Board shall not consider a petition for relief from such action unless an interval of at least one (1) year has passed since the imposition of the penalty or the last Board review. Notice of a Petition Order of the Board occurs on the date the Order of the Board is mailed via certified mail to, or personally served upon, the Petitioner. The Board will not entertain a petition for relief if the matter is under appeal.

Source: *Miss. Code Ann.* § 73-21-103.

Part 3002 Chapter 7: Penalties

Rule 7.1 Uniform Penalty Policy
Any penalty imposed by Board pursuant to a violation of any statute, rule or regulation within the jurisdiction of the Board shall be not less than the minimum nor more than the maximum penalty allowed by Mississippi Code Annotated Sections 73-21-103, 73-21-161, 73-21-191 or any other statute that allows the Board to impose a penalty.

Source: *Miss. Code Ann.* §§ 73-21-81; 73-21-103; 73-21-163; 73-21-191.

Part 3002 Chapter 8: Duties and Responsibilities of the Executive Director and Associate Director

Rule 8.1 Executive Director Appointed by the Board
The Executive Director (Director) is the executive officer in charge of the office of the Mississippi Board of Pharmacy and he/she shall be appointed by the Board. The Director shall serve as the budget officer and shall make, keep, and be in charge of all records, record books, and any files required to be maintained by the Board. The Director shall attend to the correspondence required by the office and shall perform such other duties as the Board may require in keeping with the office. The Board authorizes the Director to employe and supervise all staff, including clerical, investigative, legal counsel and other office staff as necessary for the fulfillment of his/her duties and responsibilities.

Source: *Miss. Code Ann.* §§ 73-21-79; 73-21-81.

Rule 8.2 General Duties and Responsibilities
The Executive Director shall have, but not be limited to, the following responsibilities:

A. Issuance of all licenses, registrations, and permits to all pharmacists, businesses, facilities, pharmacies, or other persons as authorized by statutes, rules or regulations;
B. Maintaining, preserving, and releasing of any public records which are required to be kept by the Board;
C. Administration of any examinations or tests required under statutes or regulations;
D. Serve as the representative of the Board on any committees, boards or other organizations as necessary to carry out the Board's responsibilities;
E. Act as the Board's agent and cause to be issued and cause to be served, all subpoenas, Orders of the Board, and any Notice of Hearing and Complaint issued to any pharmacist, permit holder, business/facility, registrant, or other person under the jurisdiction of the Board and execute the foregoing for and on behalf of the Board;
F. Provide initiative, leadership, and input into any proposed legislation or regulations pertaining to the practice of pharmacy, the distribution of prescription drugs, pharmacy technicians, and pharmacy externs/interns;
G. Set the agenda for all meetings of the Board and be responsible for the preparation of the Minutes of all meetings of the Board;
H. Serve as the Board's representative in the approval of all continuing education as required by Regulations of the Board;
I. Serve as the Board's representative when interacting and/or cooperating with other state or federal agencies or law enforcement entities;
J. Approve and execute contracts under $50,000, with the consultation of the Board President;

K. Issue an emergency action or order related to an imminent danger to the public health or safety, with the consultation of the Board President;
L. Any other duty or responsibility as assigned by the Board or Board President.

Source: *Miss. Code Ann.* §§ 73-21-79; 73-21-81.

Rule 8.3 Associate Director
The Associate Director shall have the duties and responsibilities assigned to him/her by the Executive Director and may perform any/all of the duties and responsibilities of the Executive Director in the absence of the Executive Director or as assigned by the Executive Director.

Source: *Miss. Code Ann.* § 73-21-81.

Title 30: Professions and Occupations

Part 3002: Mississippi Board of Pharmacy Administrative Rules

~~**Part 3002 Chapter 1: Organization and Operation of the Board**~~

~~*Rule 1.1 Composition of the Board.*~~
~~The State Board of Pharmacy shall consist of seven (7) appointed members. At least one (1) appointment shall be made from each of the five (5) congressional districts as they existed on July 1, 2001. Each appointed member of the Board shall be appointed by the Governor, with the advice and consent of the Senate, from a list of five (5) names submitted by the Mississippi Pharmacists Association with input from the Magnolia Pharmaceutical Society, the Mississippi Independent Pharmacies Association (MIPA). Mississippi Society of Health-System Pharmacists (MSHP) and Mississippi College of Clinical Pharmacy (MCCP) and other pharmacist associations or societies. Of the members appointed, one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding an institutional permit, and one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding a retail permit. Any person appointed to the Board shall be limited to two (2) full terms of office during any fifteen-year period. Members of the Board shall be appointed for terms of five (5) years from the expiration date of the previous terms. Any vacancy on the Board prior to the expiration of a term for any reason, including resignation, removal, disqualification, death or disability, shall be filled by appointment of the Governor for the balance of the unexpired term. The Mississippi Pharmacists Association with input from the Magnolia Pharmaceutical Society, the Mississippi Independent Pharmacies Association (MIPA). Mississippi Society of Health-System Pharmacists (MSHP) and Mississippi College of Clinical Pharmacy (MCCP) and other pharmacist associations or societies, shall submit a list of nominees no more than thirty (30) days after a vacancy occurs, and the Governor shall fill such vacancies within ninety (90) days after each such vacancy occurs. If an election is required to narrow the number of potential candidates for nominations to the Board, the Mississippi Pharmacists Association shall provide a ballot to each pharmacist holding a valid Mississippi license.~~

~~Source: *Miss. Code Ann.* § 73-21-75.~~

Rule 1.2 Qualifications of Board Members.

To be qualified to be a member of the Board, a person shall:

A. Be an adult citizen of Mississippi for a period of at least five (5) years preceding his appointment to the Board;

B. Be a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi; and

C. Have actively engaged in the practice of pharmacy in Mississippi for a period of at least five (5) years.

The Governor may remove any or all members of the Board on proof of unprofessional conduct, continued absence from the state, or for failure to perform the duties of his office. Any member who shall not attend two (2) consecutive meetings of the Board for any reason other than illness of such member shall be subject to removal by the Governor. The president of the Board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings. No removal shall be made without first giving the accused an opportunity to be heard in refutation of the charges made against him, and he shall be entitled to receive a copy of the charges at the time of filing.

Source: *Miss. Code Ann.* § 73-21-75.

Rule 1.3 Oath, Meetings and Compensation of Board Members.

A. Each person appointed as a member of the Board shall qualify by taking the oath prescribed by the Constitution for the state officers, and shall file certificate thereof in the office of the Secretary of State within fifteen (15) days after his appointment.

B. There shall be a president of the Board and such other officers as deemed necessary by the Board elected by and from its membership.

C. The Board shall meet at least once each quarter to transact business, and may meet at such additional times as it may deem necessary. Such additional meetings may be called by the president of the Board or a majority of the members of the Board.

D. The place for each meeting shall be determined prior to giving notice of such meeting and shall not be changed after such notice is given without adequate subsequent notice.

E. A majority of the members of the Board shall constitute a quorum for the conduct of the meeting and all actions of the Board shall be by a majority of the members present.

F. Each member of the Board shall receive a per diem as provided in Mississippi Code Section 25-3-69, not to exceed thirty (30) days in any one (1) period of twelve (12) months, for each day actually engaged in meetings of the Board, together with necessary traveling and other expenses as provided in Mississippi Code Section 25-3-41.

Source: *Miss. Code Ann.* § 73-21-77.

Rule 1.4 Executive Director and Additional Employees.

A. The Board shall employ an executive director of the Board. The executive director shall be a citizen of Mississippi and a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi, who has had five (5) years' experience as a pharmacist.

B. The executive director shall receive a salary to be set by the Board, subject to the approval of the State Personnel Board, and shall be entitled to necessary expenses incurred in the performance of his official duties. He shall devote full time to the duties of his office and shall not be engaged in any other business that will interfere with the duties of his office.

C. The duties and responsibilities of the executive director shall be defined by rules and regulations

prescribed by the Board.

D. The Board may, in its discretion, employ persons in addition to the executive director in such other positions or capacities as it deems necessary to the proper conduct of Board business. Any pharmacist-investigator employed by the Board may have other part-time employment, provided that he shall not accept any employment that would cause a conflict of interest in his pharmacist-investigator duties. The Board may employ legal counsel to assist in the conduct of its business.

Source: *Miss. Code Ann.* § 73-21-79.

Rule 1.5 General Powers and Duties of the Board.

The responsibility for the enforcement of the provisions of the Mississippi Pharmacy Practice Act shall be vested in the Board. The Board shall have all of the duties, powers and authority specifically granted by and necessary to the enforcement of the Mississippi Pharmacy Practice Act.

The Board may make, adopt, amend and repeal such rules and regulations as may be deemed necessary by the Board from time to time for the proper administration and enforcement of the Mississippi Pharmacy Practice Act, in accordance with the provisions of the Mississippi Administrative Procedures Law.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 1.6 Regulation of the Practice of Pharmacy.

A. The Board shall be responsible for the control and regulation of the practice of pharmacy, to include the regulation of pharmacy externs or interns and pharmacist technicians in this state, the regulation of the wholesaler distribution of drugs and devices as defined in Mississippi Code Section 73-21-73, and the distribution of sample drugs or devices by manufacturer's distributors as defined in Mississippi Code Section 73-21-73 by persons other than the original manufacturer or distributor in this state.

B. A license for the practice of pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. However, the provisions of the Pharmacy Practice Act shall not apply to physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of the State of Mississippi and are authorized to dispense and administer prescription drugs in the course of their professional practice.

C. The initial licensure fee shall be set by the Board but shall not exceed Two Hundred Dollars ($200.00).

D. All students actively enrolled in a professional school of pharmacy accredited by the American Council on Pharmaceutical Education who are making satisfactory progress toward graduation and who act as an extern or intern under the direct supervision of a pharmacist in a location permitted by the Board of Pharmacy must obtain a pharmacy student registration prior to engaging in said activity. The student registration fee shall be set by the Board but shall not exceed One Hundred Dollars ($100.00).

E. All persons licensed to practice pharmacy prior to July 1, 1991, by the State Board of Pharmacy under Mississippi Code Section 73-21-89 shall continue to be licensed under the provisions of Mississippi Code Section 73-21-91.

Source: *Miss. Code Ann.* § 73-21-83.

~~*Rule 1.7 Public Information.*~~

~~The public may obtain information regarding operations and responsibilities of the Mississippi Board of Pharmacy, the Pharmacy Practice Act, Board Regulations and other pertinent information by contacting the Board office at 6360 I-55 North, Suite 400, Jackson, Mississippi 39211-2038, or by phone at 601-605-5388. Additional information is also available on the Mississippi Board of Pharmacy website at www.mbp.state.ms.us.~~

~~Source: *Miss. Code Ann.* § 73-21-81.~~

Part 3002 Chapter 1~~5~~: Oral Proceedings On Proposed Regulations

Rule 1~~5~~.1 Application of Chapter.

This chapter applies to all oral proceedings held for the purpose of providing the public an opportunity to make oral presentations or written input on proposed new rules or regulations, amendments to rules or regulations and proposed repeal of existing rules or regulations before the Board pursuant to the Administrative Procedures Act.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 1~~5~~.2 When Oral Proceedings will be Scheduled on Proposed Regulations.

The Board will conduct an oral proceeding on a proposed regulation or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed regulation.

A. Each request must be submitted on 8-1/2" x 11" white paper or electronically in a standard letter format, i.e., MS Word, PDF, WordPerfect or other similar format and must be typewritten or printed in legible handwriting.
B. The request may be in the form of a letter addressed to the Board.
C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: *Miss. Code Ann.* §§ 25-43-2.104, 25-43-3.104

Rule 1~~5~~.3 Notification of Oral Proceeding.

The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: *Miss. Code Ann.* §§ 25-43-2.104, 25-43-3.104

Rule 1~~5~~.4 Presiding Officer.

The Board President or his designee, who is familiar with the substance of the proposed regulation, shall preside at the oral proceeding on a proposed regulation.

Source: *Miss. Code Ann.* § 25-43-2.104

Rule 1~~5~~.5 Public Presentations and Participation.

A. At an oral proceeding on a proposed regulation, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed regulation.
B. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.
C. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
D. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
E. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
F. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

Source: *Miss. Code Ann.* § 25-43-2.104

Rule 15.6 Conduct of Oral Proceeding.

A. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall:
   1. call proceeding to order;
   2. give a brief synopsis of the proposed regulation, a statement of the statutory authority for the proposed regulation, and the reasons provided by the Board for the proposed regulation;
   3. call on those individuals who have contacted the Board about speaking on or against the proposed regulation;
   4. allow for rebuttal statements following all participant's comments;
   5. adjourn the proceeding.
B. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that regulation-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.
C. Physical and Documentary Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.
D. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann.* § 25-43-2.104

Part 3002 Chapter 26: Declaratory Opinions

Rule 26.1 Application of Chapter.

This chapter sets forth the Board's rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the Board's procedures regarding the disposition of requests as required by Mississippi Code § 25- 43-2.103.

Source: *Miss. Code Ann.* § 25-43-2.104

Rule 26.2 Scope of Declaratory Opinions.
The Board will issue declaratory opinions regarding the applicability to specified facts of:

A. a statute administered or enforceable by the Board;
B. a rule or regulation promulgated by the Board, or
C. an order issued by the Board.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 26.3 Scope of Declaratory Opinion Request.
A declaratory opinion request must be limited to a single transaction, occurrence or issue.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 26.4 Persons Who May Request Declaratory Opinions.
Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Board" means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 26.5 How to Submit Requests for Declaratory Opinions.
When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the person must submit a printed, typewritten, or legibly handwritten request.

A. Each request must be submitted on 8-1/2" x 11" white paper or electronically in a standard letter format, i.e., MS Word, PDF, WordPerfect or other similar format.
B. The request may be in the form of a letter addressed to the Board or in the form of a pleading as if filed with a court.
C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
E. Each request must clearly state that it is a request for a declaratory opinion.
F. All requests must be mailed, emailed, delivered or transmitted via facsimile to the Board. No oral or telephone requests will be accepted for official declaratory opinions.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 26.6 Signature Attestation.
Any party who signs the request shall attest that the request complies with the requirements set forth in

these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 26.7 Content of Request.
Each request must contain the following:

A. A clear identification of the statute, rule, or order at issue;
B. The question for the declaratory opinion;
C. A clear and concise statement of all facts relevant to the question presented;
D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number;
E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request;
F. A suggested proposed opinion, stating the answers desired by requestor and a summary of the reasons in support of those answers;

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 26.8 Reasons for Refusal to Issue a Declaratory Opinion Upon a Request.
The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. The matter is outside the primary jurisdiction of the Board;
B. Lack of clarity concerning the question presented;
C. There is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
E. The facts presented in the request are not sufficient to answer the question presented;
F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought;
H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order;
I. The question presented by the request concerns the legal validity of a statute, rule, or order;
J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;
K. No clear answer is determinable;
L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime;
M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
N. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
O. A similar request is pending before this agency, or any other agency, or a proceeding is pending

on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law; or

P. The question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 26.9 Agency Response.

Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances;

B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or

C. Decline to issue a declaratory opinion, stating the reasons for its action.

The forty-five (45) day period shall begin on the first business day after which the request is received by the Board.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 26.10 Availability of Declaratory Opinions and Requests for Opinions.

Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by requestor's name, subject and date of issuance. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Rule 26.11 Notice by Board to third parties.

The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.

Source: *Miss. Code Ann.* § 25-43-2.104.

Rule 26.12 Effect of a Declaratory Opinion.

The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss. Code Ann.* §§ 25-43-2.103, 25-43-2.104.

Part 3002 Chapter 37: Public Records

Rule 37.1 Public Record Requests Procedures.

This rule establishes procedures and fees associated with all public requests for copies and/or inspection of public documents.

A. Submission of Requests.
   1. All requests for information should be submitted to the Mississippi Board of Pharmacy either in writing or via email.
   2. No verbal or telephone requests can be accepted.
   3. The request should specifically outline the records that are being requested.

B. Timetable for processing.
   All document requests will be approved or denied within seven (7) business days after the request is received. In the event of a denial for all or part of the request, the Board will provide an explanation of the denial to the requestor in writing. If the requested information is unable to be produced by the seventh day after the request is made, the Board will provide a written explanation regarding why the document cannot be produced during that timeframe. Unless there is a mutual agreement of the parties, in no case shall the production of the requested records, after timely payment and unless otherwise exempt, be any later than fourteen (14) working days from the receipt of the request.

C. Exempt Documents.
   Some documents are exempt from publication such as personnel records, attorney communications and work products of attorneys.

D. Third Party Information.
   Records furnished to the Board by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until the third party has been advised that the documents will be released. Further, no third-party information will be released if a third party obtains a court order prohibiting the same. The requestor will be notified of any court orders that prohibit the release of the requested information.

E. Assessment of costs to the Requestor.
   Payment for information requested must be made in advance of receipt of documents and must be sufficient to cover the actual costs for the Board to furnish the information. Such costs include, but are not limited to, staff time: to evaluate the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to the deliver the information requested.
   1. No cash, credit or debit cards, or personal checks can be accepted. Money orders, certified checks, or corporate checks are accepted.
   2. An estimated cost will be provided to the requestor based on the volume of information, the format in which the information is stored and requested, and whether or not third-party information has been requested. The requestor may submit payment for processing of the request, amend the request or withdraw the request. The requestor should submit written notice of his/her intent to either proceed or withdraw the request.
   3. If no response is given by the requestor within thirty (30) days of the estimated cost notification being sent, the Board will proceed no further with the request. If at a later date, the requestor decides to proceed with the request, he/she should submit a new request.
   4. Timely payment under paragraph B. means payment received by the next business day after the estimated cost notification is provided to the requestor. By delaying the payment of the

estimated fee past the next business day, the requestor acknowledges there may be a delay in the delivery of the requested documents. No request will be processed until payment is received.

5. The decision to charge for public records is at the discretion of the Board.

F. Requests for Document Inspections.
The requestor will be billed for the total amount of time expended by employees of the Board assisting with the inspection of documents. Additional fees incident to document production may be assessed.

G. Public Information via the Internet.
Some information pertaining to the Mississippi Board of Pharmacy is available free of charge on the internet at www.mbp.state.ms.us.

Source: *Miss. Code Ann.* §§ 25-61-1 et seq., 73-21-81

Rule 37.2 Licensure Applications Exempt from Public Access.
All applications for licensure in the possession of the Board are exempt from the provisions of the Mississippi Public Records Act of 1983 pursuant to Mississippi Code Annotated Section 73-52-1.

Source: *Miss. Code Ann.* § 73-52-1.

Part 3002 Chapter 48: Background Checks

Rule 48.1 Background Check Procedures.
The Board shall conduct background checks on any individual who applies for a license, registration or permit as required by law. Background checks shall include, but not be limited to, a criminal history records check requiring the applicant to be fingerprinted.

Source: *Miss. Code Ann.* §§ 73-21-81, 73-21-85, 73-21-111, 73-21-126.

Rule 48.2 Petition for Determination.
An individual may petition the Board for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license, registration or permit. The determination petition shall be filed on a form supplied by the Board and accompanied by a fee of Twenty-Five Dollars ($25.00).

Source: *Miss. Code Ann.* § 73-77-9.

Rule 48.3 Determination Factors.
The following factors shall be used to determine if an applicant with a disqualifying criminal conviction will be denied a license:

A. The nature and seriousness of the crime for which the individual was convicted;
B. The passage of time since the commission of the crime;
C. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and
D. Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

Source: *Miss. Code Ann.* § 73-77-7.

Rule 48.4 Disqualifying Determination Notification

If the Board denies an individual a license, registration or permit solely or in part because of the individual's prior conviction of a crime, the Board shall notify the individual in writing of the following:

A. The grounds and reasons for the denial or disqualification;
B. That the individual has the right to a hearing to challenge the Board's decision;
C. The earliest date the person may reapply for a license, registration or permit; and
D. That the evidence of rehabilitation may be considered upon reapplication.

Source: *Miss. Code Ann.* § 73-77-9.

Rule 48.5 Disqualifying Crimes

An individual may be denied a license, registration or permit based on a conviction, guilty plea and/or a plea of nolo contender to a felony, which includes, but is not limited to, any of the following:

A. Any controlled substance violation;
B. Embezzlement
C. Shoplifting
D. Theft
E. Forgery
F. Burglary
G. Identity theft

In addition, the accumulation of multiple convictions, including misdemeanor convictions, and pending unresolved charges may be used to determine if an individual shall be denied a license, registration or permit.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 48.6 Mitigating Factors

Notwithstanding Rule 48.5, any criminal conviction beyond ten (10) years prior to the application shall not disqualify an individual unless extenuating circumstances exist. Those extenuating circumstances shall be enumerated in the disqualifying determination notification. Other mitigating factors to be considered in determining whether the individual's criminal record will disqualify the individual from obtaining a license, registration or permit may include, but need not be limited to:

A. age at which the crime was committed;
B. circumstances surrounding the crime;
C. length of time since the conviction and criminal history since the conviction;
D. work history;
E. current employment and character references; and
F. other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of the public.

Source: *Miss. Code Ann.* § 73-21-81.

Part 3002 Chapter 52: Disciplinary Actions

Rule 52.1 Grounds for Disciplinary Actions.

A. The Board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit of any person upon one or more of the provisions listed in Mississippi

Code Annotated Section 73-21-97.~~following grounds:~~

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

1. The publication or circulation of false, misleading, or otherwise deceptive statements concerning the practice of pharmacy;
2. Attempting to circumvent the patient counseling requirements, or discouraging the patient from receiving patient counseling concerning their prescription drug orders;
3. The illegal use or disclosure of Protected Health Information (PHI) or other confidential patient information; failure to maintain adequate records, systems, and security to protect against the illegal use or disclosure of PHI or other confidential patient information; or failure to maintain adequate records to account for disclosures of PHI;
4. Dispensing, selling, bartering, receiving or maintaining drugs or devices which is known or should have been known to have been stolen or diverted from the purpose for which they were distributed by a legitimate source;
5. Engaging in conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist, with proof of actual injury not having to be established;
6. Selling a drug for which a prescription drug order from a practitioner is required, without having received a valid prescription drug order for the drug;
7. Failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with the Federal laws and regulations and State laws, rules and regulations;
8. Failure to report fraudulent prescription activity to the Board or other appropriate authorities;
9. Obtaining any remuneration by fraud, misrepresentation, or deception, including, but not limited to, receiving remuneration for amending or modifying, or attempting to amend or modify, a patient's pharmacist care services, absent a clear benefit to the patient.~~, solely in response to promotion or marketing activities;~~
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;
11. Condoning or assisting in the dispensing, promotion, or distribution of drugs which do not meet the standards required by law, or which the pharmacist knows, or should know, are not obtained for legitimate medical need;
12. Destruction or alteration of any records such as prescriptions, profiles, purchase invoices, third-party vouchers, and receipts required to be kept;
13. Selling or bartering a prescription drug sample;
14. Practicing in a location which is not properly permitted or registered by the Mississippi Board of Pharmacy;

~~C.~~ Physical or mental incapacity of a nature that prevents a pharmacist, a pharmacy intern/extern, or a pharmacy technician from engaging in the practice of pharmacy or assisting in the practice of pharmacy with reasonable skill, confidence and safety to the public;

~~D. Being found guilty by a court of competent jurisdiction of one or more of the following:~~

~~1. A felony;~~

~~2. Any act involving moral turpitude or gross immorality; or~~

~~3. Violation of pharmacy or drug laws of this state or rules and regulations pertaining thereto, or of statutes, rules or regulations of any other state or the federal government;~~

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

~~F. Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a~~

~~license;~~

D. ~~Violation of any of the provisions of the Mississippi Pharmacy Practice Act or rules or regulations adopted pursuant to such Act; or~~ V~~v~~iolation of pharmacy or drug laws of any other state or the federal government or the rules/regulations pertaining thereto;

E. Violation of any of the provisions of the Mississippi Uniform Controlled Substances Law;

~~H. Failure to comply with lawful orders of the Board;~~

~~I. Negligently or willfully acting in a manner inconsistent with the health or safety of the public;~~

~~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;~~

~~K. Misappropriation of any prescription drug;~~

~~L. Being found guilty by the licensing agency in another state or the federal government of violating the statutes, rules or regulations of that jurisdiction;~~

~~M. The unlawful or unauthorized possession or use of a controlled substance;~~

F. Failing to report to the Board within thirty (30) days any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court that would constitute grounds for action;

G. Failure to immediately report directly to the Board, losses or suspected losses of controlled substances or prescription drugs;

H. Knowing or suspecting that a Pharmacist or Pharmacy Intern is incapable of engaging in the Practice of Pharmacy or that a Pharmacy Technician is incapable of assisting in the practice of pharmacy, with safety to the public, due to diversion or abuse of controlled substances or prescription drugs and failing to report such relevant information to the Board;

I. Theft or embezzlement of prescription drugs, controlled substances, medical devices, ~~or~~ funds or anything of value ~~from a permitted facility~~;

J. Termination of employees suspected of theft of pharmaceuticals, ~~or~~ merchandise or anything of value without contacting the Board prior to termination;

K. 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;

L. Failure of a pharmacist licensed by the Mississippi Board of Pharmacy to register as a user of the Prescription Monitoring Program (PMP); ~~Willful failure to submit drug monitoring information or willful submission of incorrect dispensing information as required by the Prescription Monitoring Program under Mississippi Code Section 73-21-127;~~

M. T~~t~~he unlawful disclosure of information from the PMP or using information obtained from the PMP for unlawful or unethical purposes;

~~R. Failure to obtain the license, registration or permit required by this Mississippi Pharmacy Practice Act;~~

~~S. Violation(s) of the provisions of Mississippi Code Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners;~~

N. Receiving, dispensing, selling, bartering or maintaining a prescription drug sample unless the pharmacy is owned by a charitable organization and is not operated for profit and has prior approval in writing by the Board. Institutional pharmacies may receive, dispense and maintain prescription drug samples that are provided by a practitioner and intended solely for administration to his/her patients confined to the institution provided no charge is made to the patient by the institution for the sample;

O. No pharmacist shall have possession of a prescription drug sample unless such sample is for treatment of a diagnosed personal medical condition;

P. Jeopardizing, compromising, interfering or failing to cooperate with any ~~lawful~~ investigation conducted by the Board or any state or federal regulatory or law enforcement agency;
Q. Failure to furnish the Board, its agents or representatives any information ~~legally~~ requested by the Board, or retaliation ~~against pharmacy employees~~ for providing information to the Board;
R. Destruction, removal or tampering with any prescription drug, controlled substance, or medical device placed under seal, embargoed, or quarantined by the Board or any representative of the Board;
S. 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;
T. Retaliation against a pharmacist for practicing or attempting to practice pharmacy in compliance with federal and state drug or pharmacy laws and regulations;
U. Retaliation against pharmacy employees for providing information to the Board;
V. Hindering, interfering with, or restricting the reporting of suspected unlawful activity to the appropriate authorities;
W. Failure to produce evidence of continuing educations credits as required by regulation;
X. Failure by any representative of a permitted facility to acknowledge completion of an inspection by placement of a signature on the inspection form;
Y. Failure to comply with a subpoena issued by the Board.

Source: *Miss. Code Ann.* §§ 73-21-81, 73-21-97

~~*Rule 2.2 Alternative to Suspension, Revocation or Restriction of a License.*~~
~~In lieu or suspension, revocation or restriction of a license as provided in Rule 2.1, the Board may warn or reprimand the offending pharmacist.~~

~~Source: *Miss. Code Ann.* § 73-21-97.~~

~~*Rule 2.3 Additional Grounds for Discipline.*~~
~~In addition to the grounds specified in Rule 2.1, the Board shall be authorized to suspend the license, registration or permit of any person for being out of compliance with an order for support, as defined in Mississippi Code Section 93-11-153. The procedure for suspension of a license, registration or permit for being out of compliance with an order for support, and the procedure for reissuance or reinstatement of a license, registration or permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, shall be governed by Mississippi Code Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Mississippi Code Section 93-11-157 or 93-11-163 and the provisions of the Mississippi Pharmacy Board Rules and Regulations, the provisions of Mississippi Code Section 93-11-157 or 93-11-163, as the case may be, shall control.~~

~~Source: *Miss. Code Ann.* § 73-21-97.~~

~~*Rule 2.4 Investigations Review Committee.*~~
~~The Board shall designate two (2) of its members to serve on a rotating no longer than three consecutive month basis with the executive director and legal counsel for the Board as an Investigations Review Committee (IRC).~~

~~Source: *Miss. Code Ann.* § 73-21-99.~~

~~*Rule 2.5 Meetings of the Investigations Review Committee.*~~
~~The IRC shall meet monthly and the Board's investigators shall provide status reports to the IRC. Such reports shall be made on all on-going investigations, and shall apply to any routine inspections which may give rise to the filing of a complaint.~~

~~Source: *Miss. Code Ann.* § 73-21-99.~~

~~*Rule 2.6 Actions of the Investigations Review Committee.*~~
~~The Board, acting by and through the IRC may, if deemed necessary, issue a letter of reprimand to any licensee, registrant or permit holder in lieu of formal action by the Board.~~

~~Source: *Miss. Code Ann.* § 73-21-99.~~

Part 3002 Chapter 6~~3~~: Disciplinary Proceedings

Rule 6~~3~~.1 Disciplinary Resolutions.
All disciplinary proceedings initiated by the Board shall be brought to a final resolution through one of the following means:

A. Formal Disciplinary hearing before the Board;
B. Acceptance by the Board of a mutually agreeable Settlement~~Consent~~ Order in lieu of a hearing;
C. Issuance of an Administrative Citation by the Investigations Review Committee (IRC) and payment of a fine by the Respondent in lieu of a hearing; or
D. Dismissal of the case.

Source: *Miss. Code Ann.* § 73-21-81.

~~*Rule 3.2 Formal Disciplinary Hearing.*~~
~~Disciplinary action by the Board against a licensee, registrant or permit holder, or license, registration or permit shall require the following:~~

~~A. A sworn affidavit filed with the Board charging a licensee or permit holder with an act which is grounds for disciplinary action; and~~
~~B. An order of the IRC which shall cause the executive director of the Board to fix a time and place for a hearing by the Board. The executive director shall cause a written notice specifying the offense or offenses for which the licensee or permit holder is charged and notice of the time and place of the hearing to be served upon the licensee or permit holder at least thirty (30) days prior to the hearing date. Such notice may be served by mailing a copy by certified mail, postage prepaid, to the last-known residence or business address of the licensee or permit holder.~~

~~Source: *Miss. Code Ann.* § 73-21-99.~~

~~*Rule 3.3 Recusal of IRC Members from Board Action.*~~
~~In the event any complaint on a licensee comes before the Board for possible disciplinary action, the members of the Board serving on the IRC which reviewed the investigation of that complaint shall recuse themselves and not participate in the disciplinary proceeding.~~

Source: *Miss. Code Ann.* § 73-21-99.

Rule 6.2~~3.4~~ Issuance of Subpoenas.

The Board, acting by and through its executive director, is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers at a hearing. Process issued by the Board shall extend to all parts of the state and shall be served by any person designated by the Board for such service. Where any witness fails or refuses to attend upon a subpoena issued by the Board, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

A. All requests for subpoenas shall be submitted at least fifteen (15) days prior to the scheduled hearing.
B. The request must contain the identity and address of the individual to be subpoenaed.
C. If the subpoena is for records or documents, the request must include the identity and address of the custodian of such records, along with a concise description of the records to be subpoenaed.
D. The Board will ~~general~~ serve all subpoenas by registered mail, return receipt requested or by hand delivery.
E. The Board shall charge a reasonable fee for each subpoena, not to exceed thirty-five dollars ($35.00), for preparation and service of each subpoena.

Source: *Miss. Code Ann.* §§ 73-21-99, 73-21-81.

~~*Rule 3.5 Rights of the Accused.*~~

~~The accused shall have the right to appear at a disciplinary hearing either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board.~~

~~Source: *Miss. Code Ann.* § 73-21-99.~~

Rule 6.3~~3.7~~ Prehearing Motions.

All prehearing motions must be filed with the Board at least fifteen (15) days prior to the scheduled hearing. The Board President or Executive Director shall have the authority to rule on motions that are filed pursuant to this Rule. The Respondent and the Board counsel will be notified of the ruling on the motion promptly. The ruling of the Board President or Executive Director will be entered into the record at the scheduled hearing date. Motions for continuances shall be handled pursuant to Rule 6.4~~3.8~~.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.4~~3.8~~ Hearing Continuances.

A motion for continuance must be filed with the Board at least fifteen (15) days prior to the scheduled hearing, or upon a showing of good cause, at any time prior to the hearing. A scheduling conflict on behalf of the Respondent or Respondent's counsel shall be considered good cause, and will be liberally granted, if written proof of the scheduling conflict is submitted to the Board at least fifteen (15) days prior to the scheduled hearing. A second continuance based on scheduling conflicts shall not be granted by the Board. Failure to retain counsel in a timely manner on the part of the Respondent shall not be considered good cause. The Board President or Executive Director shall have the authority to rule on motions for continuance that are filed pursuant to this Rule. The Respondent and the Board counsel

will be notified of the ruling on the motion promptly. The ruling of the Board President or Executive Director will be entered into the record at the scheduled hearing date and the rescheduled hearing date will be set if the motion for continuance is granted.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.5~~3.6~~ Hearing Procedures.

A. All hearings shall be conducted by the Board, which shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings.
B. The hearing shall be held at the time and place as specified in the Notice of Hearing and Complaint unless continued for good cause.
C. All hearings are open to the public, subject to the Board entering executive session, which shall be closed to the public.
D. The Board President, Vice-President or senior member of the Board will preside over the hearing.
E. The Board may be assisted by a hearing officer who shall advise the Board on matters of law and procedure and rule on all objections and motions. The hearing officer's rulings on matters of law and procedure are advisory.
F. Any Board members that participated in the IRC for the matter before the Board will recuse themselves and not participate in the hearing.
G. All hearings shall be recorded and the Board, or court reporter, shall administer oaths as may be necessary for the proper conduct of the hearing.
H. The Respondent may retain legal counsel or may represent themselves.
I. Upon direction from the Presiding Officer, the Board counsel shall present evidence and call witnesses to support the charges filed in the Notice of Hearing and Complaint.
J. The Respondent or Respondent's counsel may present evidence or call witnesses to answer the charges filed in the Notice of Hearing and Complaint.
K. The Board shall not hear evidence nor make findings on any violations that were not part of the Notice of Hearing and Complaint.
L. All witnesses at the hearing shall be subject to direct examination, cross examination and questions by the Board. Re-direct and re-cross examinations shall be at the discretion of the Board.
M. The Board should adjudicate each charge and make findings of fact on each charge as presented in the Notice of Hearing and Complaint. Any determination by the Board shall be based upon sufficient evidence to sustain it.
N. The Board shall, within thirty (30) days after the conclusion of the hearing, reduce its decision to writing and forward an attested true copy to the last-known residence or business address of the licensee or permit holder by way of United States first-class, certified mail, postage prepaid.

Source: *Miss. Code Ann.* §§ 73-21-99; 73-21-81.

Rule 6.6~~3.9~~ Settlement Negotiations and Agreed Settlement Orders.

When the Respondent has been duly served with a Notice of Hearing and Complaint, the Respondent and/or Respondent's counsel may request Settlement negotiations for the purpose of possible resolution of the matter or for purpose of simplifying the issues for hearing or promoting stipulations as to facts

and proposed evidentiary offerings which will not be disputed at hearing.

A. The Respondent and/or his counsel and Board Counsel shall participate in the settlement negotiations. Board members who served on the Investigations Review Committee (IRC) for the matter and compliance agents who investigated the matter shall be consulted during the settlement negotiations. Other Board members may not participate nor have knowledge or input into any of the settlement negotiations.

B. Informal Discovery or exchange of information may be accomplished during the settlement negotiations.

~~C. Settlement Conferences shall not be held on the day of the scheduled hearing.~~

~~D. The settlement negotiations may result in:~~

~~a. Preparation of a proposed Agreed Order as a resolution of the matter; or~~

~~b. Proceeding with the scheduled hearing.~~

C. Any action which the Board may take following a full disciplinary hearing may be taken by Agreed Settlement Order.

D. Any proposed Agreed Settlement Order must be approved by both Board members who served on the Investigations Review Committee (IRC) for the matter. The proposed Agreed Settlement Order shall be presented to the Board at the scheduled Hearing date and time. The terms of the Agreed Settlement Order are not effective until approved by the Board.

E. The Respondent has the obligation to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have prior to approving the proposed Agreed Settlement Order.

F. Failure of the Board to approve the proposed Agreed Settlement Order shall result in a formal disciplinary hearing before the Board on a rescheduled hearing date.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.7~~3.10~~ Administrative Citations.

The IRC may include an Administrative Citation with the Notice of Hearing and Complaint. In lieu of a formal disciplinary hearing, the Respondent has the option to settle the matter through the payment of a fine and compliance with imposed conditions. If the Respondent does not accept the fine and conditions or respond to the Administrative Citation instructions within the time specified in the Notice, the matter shall proceed to a formal disciplinary hearing before the Board.

Source: *Miss. Code Ann.* § 73-21-81.

~~*Rule 3.11 Violations Subject to Administrative Citations and Fines.*~~

~~An Administrative Citation may be issued for the following violations:~~

~~Failure of a Pharmacy Technician to wear a name tag identifying the individual as a Pharmacy Technician~~

~~Failure to validate that a Pharmacy Technician has a current active registration~~

~~Exceeding the Pharmacist to Pharmacy Technician ratio~~

~~Failure to obtain the required Continuing Education~~

~~Failure to notify the Board of a change of employment~~

~~Failure to notify the Board of a change of address~~

~~Failure to notify the Board of a change in the Pharmacist in Charge (PIC)~~

~~Failure to obtain or renew a pharmacy permit in a timely manner~~

~~Failure to obtain or renew a pharmacist license in a timely manner~~
~~Failure to obtain or renew a control substance registration in a timely manner~~
~~Failure to Register as a Wholesaler~~
~~Any other violation of the Mississippi Pharmacy Practice Act or the Rules or Regulations of the Mississippi Pharmacy Board~~

~~The administrative citation may include a fine and cost of investigation for each violation, not to exceed the monetary penalty amount as allowed by Mississippi Code Annotated § 73-21-103 or other applicable statute.~~

~~Source: *Miss. Code Ann.* §§ 73-21-81, 73-21-103.~~

Rule 6.8~~3.12~~ Additional Conditions for Administrative Citations.
In addition to any fine imposed, an Administrative Citation may include corrective action or additional conditions imposed by the IRC through a Memorandum of Agreement (MOA) that must be acknowledged and agreed to by the Respondent. Failure to take corrective action or comply with the terms of an MOA shall be cause to bring the original charges for a hearing before the full Board.

Source: *Miss. Code Ann.* § 73-21-81.

Rule 6.9 Petition for Relief
Any person whose license, registration and/or permit has been denied, suspended, revoked or restricted, whether voluntarily or by action of the Board, shall have the right to petition the Board at reasonable intervals for relief from such action. The Board shall not consider a petition for relief from such action unless an interval of at least one (1) year has passed since the imposition of the penalty or the last Board review. Notice of a Petition Order of the Board occurs on the date the Order of the Board is mailed via certified mail to, or personally served upon, the Petitioner. The Board will not entertain a petition for relief if the matter is under appeal.

Source: *Miss. Code Ann.* § 73-21-103.

Part 3002 Chapter 7~~4~~: Penalties

Rule 7~~4~~.1 Uniform Penalty Policy
Any penalty imposed by Board pursuant to a violation of any statute, rule or regulation within the jurisdiction of the Board shall be not less than the minimum nor more than the maximum penalty allowed by Mississippi Code Annotated Sections 73-21-103, 73-21-161, 73-21-191 or any other statute that allows the Board to impose a penalty.

Source: *Miss. Code Ann.* §§ 73-21-81; 73-21-103; 73-21-163; 73-21-191.

Part 3002 Chapter 8: Duties and Responsibilities of the Executive Director and Associate Director

Rule 8.1 Executive Director Appointed by the Board
The Executive Director (Director) is the executive officer in charge of the office of the Mississippi Board of Pharmacy and he/she shall be appointed by the Board. The Director shall serve as the budget officer and shall make, keep, and be in charge of all records, record books, and any files required to be maintained by the Board. The Director shall attend to the correspondence required by the office and shall perform such other

duties as the Board may require in keeping with the office. The Board authorizes the Director to employe and supervise all staff, including clerical, investigative, legal counsel and other office staff as necessary for the fulfillment of his/her duties and responsibilities.

Source: *Miss. Code Ann.* §§ 73-21-79; 73-21-81.

Rule 8.2 General Duties and Responsibilities

The Executive Director shall have, but not be limited to, the following responsibilities:

A. Issuance of all licenses, registrations, and permits to all pharmacists, businesses, facilities, pharmacies, or other persons as authorized by statutes, rules or regulations;
B. Maintaining, preserving, and releasing of any public records which are required to be kept by the Board;
C. Administration of any examinations or tests required under statutes or regulations;
D. Serve as the representative of the Board on any committees, boards or other organizations as necessary to carry out the Board's responsibilities;
E. Act as the Board's agent and cause to be issued and cause to be served, all subpoenas, Orders of the Board, and any Notice of Hearing and Complaint issued to any pharmacist, permit holder, business/facility, registrant, or other person under the jurisdiction of the Board and execute the foregoing for and on behalf of the Board;
F. Provide initiative, leadership, and input into any proposed legislation or regulations pertaining to the practice of pharmacy, the distribution of prescription drugs, pharmacy technicians, and pharmacy externs/interns;
G. Set the agenda for all meetings of the Board and be responsible for the preparation of the Minutes of all meetings of the Board;
H. Serve as the Board's representative in the approval of all continuing education as required by Regulations of the Board;
I. Serve as the Board's representative when interacting and/or cooperating with other state or federal agencies or law enforcement entities;
J. Approve and execute contracts under $50,000, with the consultation of the Board President;
K. Issue an emergency action or order related to an imminent danger to the public health or safety, with the consultation of the Board President;
L. Any other duty or responsibility as assigned by the Board or Board President.

Source: *Miss. Code Ann.* §§ 73-21-79; 73-21-81.

Rule 8.3 Associate Director

The Associate Director shall have the duties and responsibilities assigned to him/her by the Executive Director and may perform any/all of the duties and responsibilities of the Executive Director in the absence of the Executive Director or as assigned by the Executive Director.

Source: *Miss. Code Ann.* § 73-21-81.

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

ARTICLE XXXII PHARMACEUTICAL DRUG FACILITY PERMITS

1. For purposes of this Article the following definitions shall apply:

   A. "Wholesale Distribution" means distribution of prescription drugs or devices, to include active pharmaceutical ingredients (API's), to a person other than a consumer or patient, but does not include:
      (1) The sale, purchase, or trade of a specified drug or device or an offer to sell, purchase, or trade a specified drug or device for an immediate emergency medical reason including a public health emergency declaration pursuant to section 319 of the Public Service Act. Routine or temporary shortages do not constitute an immediate emergency medical reason;
      (2) The sale, purchase, or trade of a drug or device, an offer to sell, purchase, or trade a drug or device, or the dispensing of a drug or a device pursuant to a patient specific prescription;
      (3) The lawful distribution of drug samples by manufacturers' representatives or distributors' representatives;
      (4) The sale, purchase, or trade of a drug or device or an offer to sell, purchase, or trade a drug or device among pharmacies that are under common control; for purposes of these regulations, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, by contract or otherwise. Common ownership transactions shall not include any upcharges or fees;
      (5) The sale, purchase, or trade of a drug or device or an offer to sell, purchase, or trade a drug or device by a charitable organization described in section 501(c)(3) of the U.S. Internal Revenue Code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;
      (6) The sale/purchase of a prescription drug or device by a 503a pharmacy to a licensed practitioner for office use, if the total annual dollar volume of these sales/purchases does not exceed five percent (5%) of that pharmacy's total annual prescription sales. In office use is defined as occurring in locations that are not serviced by a pharmacy permit;
      (7) Medication transfer from facilities/businesses to meet an immediate need for a specific patient in a quantity no greater than the prescribed amount;
      (8) Distribution of drugs or devices for research purposes in humans under an IND to an investigator.

2. Every facility/business that engages in the wholesale distribution of prescription drugs, API's, or devices as defined in § 73-21-71, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in or into this state, or distribution from or within this state, shall register annually with the Mississippi Board of Pharmacy by applying for a permit via the licensing portal. Every facility/business that engages in the distribution of prescription drugs or devices into this state to an affiliated or related company under common

ownership and control must register annually with the Board. Pharmaceutical Facility Permits issued by the Board may include, but are not limited to, the following pharmaceutical facilities/businesses:

A. Manufacturer
B. Virtual Manufacturer
C. Wholesaler
D. Virtual Wholesaler
E. Third Party Logistics (3PL)
F. Repackager
G. Reverse Distributor
H. Private Label Distributor
I. Veterinary Wholesaler

The Board may declare a pharmaceutical facility/business permit inactive due to the lack of legitimate business activity for sixty (60) consecutive days. Any permit declared inactive by the Board must petition the Board to be re-instated.

3. To obtain or renew a pharmaceutical facility/business permit, the applicant shall:
   A. Complete an application via the licensing portal which shall include, but not be limited to the following:
      (1) Name and address of the facility/business, including all trade or business names;
      (2) Detailed photo(s) of physical location that clearly display related signage and conveys business activity when requested;
      (3) Ownership information;
         (a) If a corporation: the State of incorporation and the name, telephone number, and address of all officers and directors;
         (b) If a partnership: the name, telephone number, and address of all partners;
         (c) If a sole proprietorship: the name, telephone number, and address of the sole proprietor.
      (4) Type of activities conducted by the facility/business;
      (5) Name, address, telephone number and signature of a designated representative;
      (6) Initial applications will be valid for up to 180 days from the date of filing within the application portal. A renewal application will remain active for no more than 120 days from the date of filing within the application portal. Renewal applications will be considered filed timely if they are received prior to 30 days of expiration of the permit and contain all of the requested documents necessary for permitting. If a renewal application is not approved prior to the expiration of the permit, the drug facility must cease all Mississippi focused operations until application approval is obtained
   B. Provide evidence of a surety bond in the amount of $100,000 (or $25,000 for a facility/business whose annual gross receipts total $10,000,000 or less for the previous tax year) or other equivalent means of security acceptable to the State.
   C. Complete a criminal background check for the designated representative, including fingerprinting.
   D. Provide the most recent inspection report for the physical facilities including facilities maintaining oversight of product label codes. Inspection reports may be required for contracted partners providing services for the permitted location. All facilities/businesses

must provide a recent, detailed inspection (within the last 3 years) whether their home state licensing authority conducts inspections or not. If deficiencies are noted in the inspection, the Board reserves the right to require a follow-up inspection. The most recent FDA inspection is not subject to time limitations.

E. Provide a copy of each state license/permit held by the applicant.
F. All Pharmaceutical Facility permit applicants including Third Party Logistics Providers and Virtual Entities must provide a list of all trading partners.
G. A permit granted by the Board to a pharmaceutical facility will be based on its stated and actual business activity(s). Such activity may take precedence over licensure type in home state. A pharmaceutical facility with multiple permitted business activities at a single location must have separate business operations and records.
H. A fee of five hundred dollars ($500.00) will be required to be submitted by the applicant for the initial registration and each annual license renewal period as noted by the online system. Newly issued permits which do not coincide with the normal annual registration period shall be valid from the date issued until the end of the current registration period only.
I. Pharmaceutical facility permits shall not be issued for the same location occupied by a Pharmacy Permit. One exception is that a manufacturer may be co-located with a 503b Outsourcer. However, separate business records shall be maintained by each permit.

4. Each pharmaceutical facility that maintains or distributes controlled substances in or into Mississippi shall apply for and obtain a controlled substance registration issued by the Board. To obtain a controlled substance registration or renew a controlled substance registration the applicant shall:
   A. Submit an application via the licensing portal.
   B. Submit a fee of Fifty dollars ($50.00) for each registration period and each annual registration period thereafter.

   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.

5. The Mississippi Board of Pharmacy will consider the following factors in determining eligibility for issuing or renewing a permit for persons who engage in the wholesale distribution of prescription drugs, API's, or devices:
   A. Any convictions of the applicant, principal owners, officers, directors and/or partners under any federal, state, or local laws relating to drug samples, wholesale or retail drug or device distribution, or distribution of controlled substances;
   B. Any felony convictions of the applicant under federal, state or local laws;
   C. The past experience of the applicant, principal owners, officers, directors and/or partners in the distribution of prescription drugs or devices,including controlled substances;
   D. The furnishing by the applicant of false or fraudulent information in any application made in connection with drug or device distribution;
   E. Suspension or revocation by federal, state, or local government of any permit currently or previously held by the applicant for the distribution of any drugs or devices,including controlled substances;

F. Compliance with requirements under previously granted permits or registrations, if any;
G. Compliance with the requirements to maintain and/or make available to state and federal regulatory authorities those records required to be maintained by wholesale distributors; and
H. Any other factors or qualifications the Mississippi Board of Pharmacy considers relevant to and consistent with the public health and safety.

The Mississippi Board of Pharmacy reserves the right to deny a permit or a registration to an applicant if it determines that the granting of such a permit or registration would not be in the public interest.

6. The Designated Representative shall attest to the permit application or the permit renewal and shall be the operations manager for that facility and shall be responsible for all activities in the permitted facility which are subject to regulation by the Board.

7. The Designated Representative shall be required to be physically onsite at the facility a minimum of twenty (20) hours per work week or fifty per cent (50%) of the hours of operation of the facility, whichever is less. A record of the onsite hours of the designated representative shall be produced upon request by the Board or an agent of the Board. Exceptions will be recognized for practical reasons, i.e., vacation, sick time, etc.

8. If the employment of a designated representative is terminated, or if for any other reason he/she wishes to be relieved of the responsibilities of the permit holder,he/she must notify the MS Board of Pharmacy via the online portal. Application for a new designated representative must be made by within fifteen (15) days.

9. Any facility/business licensed by the State of Mississippi shall notify the Board of Pharmacy within fifteen (15) days, via the license portal, of any changes that might affect permitting status. This includes a closing, change of name, location, ownership, or legal matters involving the facility/business or its leadership.
   A. If a permitted facility has a change in ownership, a new online application must be made to the board within fifteen (15) days.
   B. If a permitted facility has a change in name or location, a facility amendment must occur within 15 days of the change.

10. All pharmaceutical supply chain facilities permitted by the Mississippi Board of Pharmacy shall comply with the following:
    A. Storage Conditions;
       (1) Each facility where legend drugs or devices are repackaged, wholesaled, manufactured, distributed, stored, held, sold, or offered for sale, shall provide storage areas that assure proper lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions. All legend drugs, chemicals, or devices shall be stored at appropriate temperatures and under appropriate conditions per label requirements or official compendium requirements to assure that the identity, strength, quality, and purity of the products are not affected. If no storage requirements are established for a prescription drug, they may be stored at controlled room temperature as defined in an

official compendium such as the United States Pharmacopeia/National Formulary. Appropriate manual, electro-mechanical, or electronic temperature and humidity recording equipment, devices, and/or logs shall be utilized to document proper storage of prescription drugs. This data shall be recorded at least daily.

(2) A separate storage section shall be provided for legend drugs or devices that are deteriorated, outdated, misbranded, or otherwise adulterated.

(3) Controlled substances should be isolated from non-controlled substances and stored in a secure area in accordance with Drug Enforcement Administration security requirements and standards.

B. Labeling:

(1) All Federal labeling requirements must be met to include but not limited to:

(a) Changes to product labeling must be submitted to the FDA annually.

(b) Labels must include product identifiers in a 2-dimensional data matrix barcode both on the package and homogeneous case, unless it is a product required to have a standardized numerical id.

(c) Distributors and 3PLs shall only accept products with proper labeling.

(2) Facilities/businesses shall have systems in place to verify productat the package level, including standard numerical identifiers and must be in full compliance with the Drug Supply Chain & Security Act (DSCSA).

C. Facilities:

(1) All buildings in which legend drugs or devices are wholesaled, repackaged, manufactured, distributed, stored, held, sold, or offered for sale, shall be of suitable size, construction, and location to facilitate cleaning, maintenance, and proper operations. Buildings shall meet all applicable federal, state, and local standards and shall be maintained in a clean and orderly condition and be free from infestation by insects, rodents, birds, or vermin of any kind.

(2) Each facility shall have a quarantine area for storage of prescription drugs or devices that are outdated, damaged, deteriorated, non-compliant with DSCSA requirements, misbranded, or adulterated, or that are in immediate or sealed outer or sealed secondary container that have been opened. All suspect products should be quarantined until investigation is complete.

(3) A facility shall not be located in a residence.

D. Security:

(1) All facilities shall be equipped with an electronic security system that will provide suitable protection against theft and diversion and meets all applicable federal, state, and local standards. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(2) All facilities shall ensure that access from outside their premises is reduced to a minimum and be well controlled. This includes, but is not limited to, the installation of adequate lighting at the outside perimeter of the premises. Entry into areas where prescription drugs are stored or held shall be limited to authorized personnel.

(3) All facilities/businesses shall maintain written internal security policies which provide protection against theft and diversion by personnel. These policies shall provide protection against computer theft and crimes.

E. Recordkeeping:

(1) All facilities/businesses shall establish and maintain inventories and other records of all transactions regarding the receipt, distribution, and disposition of legend drugs or devices including the name and principal address of the seller or transferor and the address of the location from which the drugs were shipped. These records shall be maintained for a period of six (6) years following disposition of the drugs and must be compliant with all aspects of DSCSA. These records shall be made available for inspection and copying by the Mississippi Board of Pharmacy or other authorized federal, state, or local law enforcement agency officials. These records shall contain source of supply (items received, quantity, and date) and distribution (items distributed, quantity, and date).

(2) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two (2) working days of a written request by the Mississippi Board of Pharmacy or other authorized federal, state, or local law enforcement agency officials.

(3) Upon request by the Board, facilities/businesses that are permitted by the Board and who distribute prescription drugs or devices shall make available to the Board the following:

(a) A complete Mississippi customer roster;

(b) Transaction records of all distribution and sales for any period during the past six (6) years listing all sales or distribution of prescription drugs or devices to authorized persons upon request by the Board. This request shall be made in writing by the Board. The transaction records shall be supplied to the Board within two (2) working days and shall consist of the following:

(i) Name and address of the purchaser;

(ii) Name and address of the distributor;

(iii) Drug name, strength and dosage form, and quantity, including number of containers distributed

(iv) The invoice number;

(v) The lot number of the product if required by DSCSA;

(vi) Date of transaction and shipment;

(vii)All records of returns or credits;

(viii) Must also include product identifiers at package level by applicable DSCSA deadline.

(4) Transaction records must also accompany products whenever prescription drug or devices products change hands (unless the product is being returned to the manufacturer asunsalable).

(a) These records should be in a single electronic document as required by DSCSA.

(b) Products should be verified by their identifiers upon sale/return. Any product that does not correspond with transaction records shall be treated as suspect.

(c) Product shall not be accepted without transaction records, except when returned to the manufacturer as unsalable.

(d) Transaction records are considered confidential and may only be provided to appropriate government officials and authorized trading partners with whom a

written agreement is established.

(5) Transaction records shall be exchanged in a secure, interoperable, electronic manner, adhering to all regulations (compliance required by applicable DSCSA deadline).

(6) Systems and processes should be in place for accepting salable returns by associating products with transaction records (compliance required by applicable DSCSA deadline).

F. Written Policies and Procedures:

Facilities/businesses shall establish, maintain, and adhere to written policies and procedures which allow and demonstrate oversight of legend product based on their scope of service. Specifically, wholesale drug or device distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage,inventory, and distribution of prescription drugs or devices, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Written policies and procedures shall include:

(1) A procedure to assure that the facility/business prepares for, protects against, and handles crisis situations that affect the security or operation of the facility. Such crises may include fires, floods, or other naturaldisasters, and situations of local, state, or national emergency.

(2) A procedure whereby the oldest approved stock of a prescription drug or device product is distributed first. The procedure may permit deviation from this requirement if such deviation is temporary and appropriate.

(3) A procedure to assure that any outdated stock, or any stock with an expiration date that does not allow sufficient timefor resale shall be segregated from other stock and shall be prepared for return to the manufacturer or otherwise appropriately destroyed.This procedure shall provide for written documentation of the disposition of outdated prescription drugs. This documentation shall be maintained for a period of six (6) years after the disposition of the outdated drugs or devices.

(4) A procedure to assure the facility/business exercises control over the shipping and receiving of all stock within the operation, including the following practices:

(a) Upon receipt, each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or devices or prescription drugs or devices that are otherwise unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage tothe contents.

(b) Each outgoing shipment shall be carefully inspected for identity of the prescription drug products or devices and to ensure that there is no delivery of prescription drugs or devices that have been damaged in storage or held under improper conditions.

(c) The recordkeeping requirements in paragraph (E.) of this section shall be followed for all incoming and outgoing prescription drugs or devices.

G. Returned, Damaged and Outdated Prescription Drugs:

(1) Prescription drugs or devices that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other prescription drugs or devices until they are destroyed or returned to their supplier.

(2) Any prescription drug or device whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such,and shall be quarantined

and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

(3) If the conditions under which a prescription drug or device has been returned cast doubt on the safety, identity, strength, quality, or purity, then the drug or device shall be destroyed, or returned to the supplier, unless examination, testing or other investigation proves that appropriate standards of safety, identity, strength, quality, and purity are met. In determining whether the conditions under which a product has been returned cast doubt on the drug's or device's safety, identity, strength, quality, or purity, the wholesale drug distributor shall consider, among other things, the conditions under which the drug or device has been held, stored,or shipped before or during its return and the condition of the drug and its container, carton, or labeling, as a result of storage or shipping.

(4) The recordkeeping requirements in paragraph E. of this section shall be followed for all outdated, damaged, deteriorated, misbranded, or adulterated prescription drugs or devices. Written policies and procedures shall be maintained at thepermitted facility to implement the above requirements.

H. Handling Recalls:

(1) A facility/business shall provide support for manufacturer recalls and withdrawals of prescription drugs or devices.

(2) A wholesale operation must maintain and follow written policies and procedures for handling recalls and withdrawals of products. Such a policy should cover all recalls and withdrawals of drug products or devices due to:

(a) Any voluntary action on the part of the manufacturer.

(b) The direction of the Food and Drug Administration, or any other federal, state, or local government agency.

(c) Replacement of existing merchandise with an improved product or new package design.

I. Due Diligence To Identify Suspect/Illegitimate Products:

(1) A facility/business in the drug supply chain shall cooperate in efforts to identify,isolate, investigate suspect products, and determine if such products are illegitimate.

(2) A facility/business should establish processes for identifying trading partners and transactions that require heightened vigilance in preventing the receipt of suspect product. Heightened vigilance includes the examination of required records (ie. invoices, shipping documents, transaction history) for suspicious business practices and physical examination of product for factors that increase the risk of a product being suspect, such as:

(a) A trading partner that has been involved in business transactions where they sold or delivered illegitimate product;

(b) A trading partner that has a history of problematic or potentially false transaction histories or pedigrees, such as those that contain misspelled words or incomplete information;

(c) A Trading Partner that is reluctant to provide a Transaction History associated with the Product being purchased or does not do so in a timely manner;

(d) A Trading Partner that provides Transaction Information, a Transaction Statement, and/or Transaction History that appears to be incomplete or suspicious;

(e) The trading partner providing wholesale operations but is co-located with a pharmacy.
(f) The product offered for sale was previously owned by a dispenser;
(g) The price of a product is suspicious;
(h) The product has been previously or is currently the subject of a drug shortage;
(i) A product that is in higher demand because of its potential or perceived relationship to a public health or other emergency;
(j) The appearance of the package is suspicious; or
(k) The package exhibits unusual or excessive adhesive residue.

(3) Suspect products shall be quarantined, and an investigation opened into the product legitimacy. The FDA and all trading partners shall be notified of any suspect product within 24 hours, and subsequently of the results of any investigation. Records of investigations shall be kept for a minimum of 6 years regardless of the outcome.

(4) Products deemed illegitimate shall be disposed of after a sample is taken for physical exam/laboratory analysis.

J. Due Diligence for Controlled Substance Ordering and Dispensing

(1) Facility/business that perform customer visits as part of customer diligence reviews to resolve red flags regarding ordering or dispensing practices of controlled substances shall share with the Board all reports and determinations within three (3) business days of receiving reports from customer.

(2) Facility/business that make the determination to suspend controlled substance ordering ability for customers must notify and provide related detailed rationale to the Board within one business day of suspension of ordering abilities.

K. Compliance with Local, State and Federal Law; Inspections, Violations and Penalties:

(1) Each facility/business shall comply with all applicable local, state and federal laws and regulations.

(2) The Board may conduct inspections upon all premises purporting or appearing to be used by persons permitted under this Article. The Board in its discretion may accept a satisfactory inspection from another regulatory or inspecting body which the Board determines to be comparable to that made by the Federal Food and Drug Administration or the Board. Upon request, the facility shall furnish to the Board a copy of any and all reports of inspections conducted by the Federal Food and Drug Administration or any other inspecting entity.

(3) Any facilities/businesses that possess, transport or store controlled substances in or into MS shall obtain a controlled substance registration from the MS Board of Pharmacy in addition to a registration number from the Federal Drug Enforcement Administration and shall comply with all applicable state and federal DEA regulations.

(4) The Board or its representatives may enter to inspect, during reasonable hours, a facility which has obtained or applied for a permit with the Board. Failure to allow an inspection is cause to deny a permit or result in disciplinary action upon a permit.

(5) The Board shall have the authority to suspend, revoke, or restrict any permit or registration issued under this Article upon discipline and/or conviction of violations of this Article or other federal, state, or local drug laws or regulations.

(6) Before any permit may be suspended, restricted, or revoked or monetary penalties imposed, the facility/business shall have the right to prior notice and a hearing pursuant to Section 73-21-99, Mississippi Code of 1972.

L. Personnel
   (1) Each facility/business shall employ adequate personnel with the education and experience necessary to safely and lawfully engage in the sale and wholesale distribution of prescription drugs or devices.
   (2) Each facility/business shall maintain a list of all personnel who have access to controlled substances and shall make available to the Board proof of background searches on any such employee. No person who has access to controlled substances shall have been convicted in any federal or state court of any drug related crime.
   (3) Each facility/business shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

M. Salvaging and Reprocessing:
   (1) All facilities/businesses shall be subject to the provisions of any applicable federal, state, or local laws or regulations that relate to prescription drug product salvaging or reprocessing, including Title 21, Chapter 1, Subchapter C, Parts 207, 210 and 211 of the Code of Federal Regulations. Any reverse distributor that receives saleable product for reintroduction into the supply chain will also need to be permitted as a wholesale distributor.

N. Repackaging:
   (1) Every repackager shall register with the Federal Food and Drug Administration and shall be in compliance with all laws, rules, regulations, and FDA issued guidance regarding such registration. Written notification furnished by the Federal Food and Drug Administration citing violations of federal laws, rules, and regulations shall be prima facie evidence of violation of this Article.
   (2) Repackagers shall maintain all products in the manufacturer's original container except as allowed by federal laws, rules, and regulations regarding prescription drug repackaging. Once distributed, repackaged products which are returned to the repackager shall be immediately quarantined and either destroyed or returned to the original manufacturer.

11. Prohibited Acts
   A. No facility/business may engage in wholesale distribution of a prescription drug, API's, or device in or into Mississippi unless the facility/business is licensed/permitted:
      (1) By the state from which the drug, API, or device is distributed, or if the State from which the drug, API, or device is distributed has not established a licensure requirement, is licensed by the Federal Drug Administration; and
      (2) By the state into which the drug, API, or device is distributed.
   B. No facility/business engaged in wholesale distribution is allowed to acquire prescription drugs, API's, or devices from a dispenser for resale within the State of Mississippi. The return by a dispenser of prescription drugs, API's, or devices originally purchased from that facility/business is exempt from this requirement.
   C. Any facility/business permitted by the Mississippi Board of Pharmacy shall not sell or distribute a prescription drug, API, or device to any individual or business unless the individual or business is licensed or permitted to prescribe, dispense, or possess prescription drugs, API's, or devices by an agency of the state in which the individual or business is located.

D. Any facility/business permitted by the Board shall not distribute prescription drugs, API's, or devices to persons in this state unless such person is either a licensed physician, osteopath, podiatrist, or physician's assistant licensed by the Mississippi Board of Medical Licensure; a licensed dentist, licensed by the Mississippi Board of Dental Examiners; a licensed veterinarian, licensed by the Mississippi Board of Veterinary Medicine; or a drug supply chain facility/business permitted by the Board. An optometrist licensed by the Mississippi State Board of Optometry, may purchase prescription drugs or devices as authorized by said Board of Optometry. An advanced practice registered nurse, licensed by the Mississippi Board of Nursing may purchase prescription drugs or devices as authorized by said Board of Nursing.

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

ARTICLE XXXII PHARMACEUTICAL DRUG FACILITY PERMITS

1. For purposes of this Article the following definitions shall apply:
   A. "Wholesale Distribution" means distribution of prescription drugs or devices, to include active pharmaceutical ingredients (API's), to a person other than a consumer or patient, but does not include:
      (1) The sale, purchase, or trade of a specified drug or device or an offer to sell, purchase, or trade a specified drug or device for an immediate emergency medical reason including a public health emergency declaration pursuant to section 319 of the Public Service Act. Routine or temporary shortages do not constitute an immediate emergency medical reason;
      (2) The sale, purchase, or trade of a drug or device, an offer to sell, purchase, or trade a drug or device, or the dispensing of a drug or a device pursuant to a patient specific prescription;
      (3) The lawful distribution of drug samples by manufacturers' representatives or distributors' representatives;
      (4) The sale, purchase, or trade of a drug or device or an offer to sell, purchase, or trade a drug or device among pharmacies that are under common control; for purposes of these regulations, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, by contract or otherwise. Common ownership transactions shall not include any upcharges or fees;
      (5) The sale, purchase, or trade of a drug or device or an offer to sell, purchase, or trade a drug or device by a charitable organization described in section 501(c)(3) of the U.S. Internal Revenue Code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;
      (6) The sale/purchase of a prescription drug or device by a 503A pharmacy to a licensed practitioner for office use, if the total annual dollar volume of these sales/purchases does not exceed five percent (5%) of that pharmacy's total annual prescription sales. In office use is defined as occurring in locations that are not serviced by a pharmacy permit;

(7) Medication transfer from facilities/businesses to meet an immediate need for a specific patient in a quantity no greater than the prescribed amount;
(8) Distribution of drugs or devices for research purposes in humans under an IND to an investigator.

2. Every facility/business that engages in the wholesale distribution of prescription drugs, API's, or devices as defined in § 73-21-71, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in or into this state, or distribution from or within this state, shall register annually with the Mississippi Board of Pharmacy by applying for a permit via the licensing portal. Every facility/business that engages in the distribution of prescription drugs or devices into this state to an affiliated or related company under common ownership and control must register annually with the Board. Pharmaceutical Facility Permits issued by the Board may include, but are not limited to, the following pharmaceutical facilities/businesses:
   A. Manufacturer
   B. Virtual Manufacturer
   C. Wholesaler
   D. Virtual Wholesaler
   E. Third Party Logistics (3PL)
   F. Repackager
   ~~G. Outsourcer~~
   G. ~~H.~~ Reverse Distributor
   H. ~~I.~~ Private Label Distributor
   I. ~~J.~~ Veterinary Wholesaler

The Board may declare a pharmaceutical facility/business permit inactive due to the lack of legitimate business activity for sixty (60) consecutive days. Any permit declared inactive by the Board must petition the Board to be re-instated.

3. To obtain or renew a pharmaceutical facility/business permit, the applicant shall:
   A. Complete an application via the licensing portal which shall include, but not be limited to the following:
      (1) Name and address of the facility/business, including all trade or business names;
      (2) Detailed photo(s) of physical location that clearly display related signage and conveys business activity when requested;
      (3) Ownership information;
         (a) If a corporation: the State of incorporation and the name, telephone number, and address of all officers and directors;
         (b) If a partnership: the name, telephone number, and address of all partners;
         (c) If a sole proprietorship: the name, telephone number, and address of the sole proprietor.
      (4) Type of activities conducted by the facility/business;
      (5) Name, address, telephone number and signature of a designated representative;
      (6) Initial applications will be valid for up to 180 days from the date of filing within the application portal. A renewal application will remain active for no more than 120 days from the date of filing within the application portal. Renewal applications will be

considered filed timely if they are received prior to 30 days of expiration of the permit and contain all of the requested documents necessary for permitting. If a renewal application is not approved prior to the expiration of the permit, the drug facility must cease all Mississippi focused operations until application approval is obtained

B. Provide evidence of a surety bond in the amount of $100,000 (or $25,000 for a facility/business whose annual gross receipts total $10,000,000 or less for the previous tax year) or other equivalent means of security acceptable to the State.
C. Complete a criminal background check for the designated representative, including fingerprinting.
D. Provide the most recent inspection report for the physical facilities including facilities maintaining oversight of product label codes. Inspection reports may be required for contracted partners providing services for the permitted location. All facilities/businesses must provide a recent, detailed inspection (~~generally~~ within the last 3 years) whether their home state licensing authority conducts inspections or not. If deficiencies are noted in the inspection, the Board reserves the right to require a follow-up inspection. The most recent FDA inspection is not subject to time limitations.
E. Provide a copy of each state license/permit held by the applicant.
F. All Pharmaceutical Facility permit applicants including Third Party Logistics Providers and Virtual Entities must provide a list of all trading partners.
G. A permit granted by the Board to a pharmaceutical facility will be based on its stated and actual business activity(s). Such activity ~~may~~ shall take precedence over licensure type in home state. ~~Each permitted business activity of a~~ A pharmaceutical facility with multiple permitted business activities at a single ~~at that~~ location ~~(if multiple exist)~~ must have separate business operations and records.
H. A fee of five hundred dollars ($500.00) will be required to be submitted by the applicant for the initial registration and each annual license renewal period as noted by the online system. Newly issued permits which do not coincide with the normal annual registration period shall be valid from the date issued until the end of the current registration period only.
I. Pharmaceutical facility permits shall not be issued for the same location occupied by a Pharmacy Permit. One exception is that a manufacturer may be co-located with a 503B Outsourcer. However, separate business records shall be maintained by each permit.

4. Each pharmaceutical facility that maintains or distributes controlled substances in or into Mississippi shall apply for and obtain a controlled substance registration issued by the Board. To obtain a controlled substance registration or renew a controlled substance registration the applicant shall:
   A. Submit an application via the licensing portal.
   B. Submit a fee of Fifty dollars ($50.00) for each registration period and each annual registration period thereafter.

   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.

5. The Mississippi Board of Pharmacy will consider the following factors in determining

eligibility for issuing or renewing a permit for persons who engage in the wholesale distribution of prescription drugs, API's, or devices:

A. Any convictions of the applicant, principal owners, officers, directors and/or partners under any federal, state, or local laws relating to drug samples, wholesale or retail drug or device distribution, or distribution of controlled substances;
B. Any felony convictions of the applicant under federal, state or local laws;
C. The past experience of the applicant, principal owners, officers, directors and/or partners in the distribution of prescription drugs or devices,including controlled substances;
D. The furnishing by the applicant of false or fraudulent information in any application made in connection with drug or device distribution;
E. Suspension or revocation by federal, state, or local government of any permit currently or previously held by the applicant for the distribution of any drugs or devices,including controlled substances;
F. Compliance with requirements under previously granted permits or registrations, if any;
G. Compliance with the requirements to maintain and/or make available to state and federal regulatory authorities those records required to be maintained by wholesale distributors; and
H. Any other factors or qualifications the Mississippi Board of Pharmacy considers relevant to and consistent with the public health and safety.

The Mississippi Board of Pharmacy reserves the right to deny a permit or a registration to an applicant if it determines that the granting of such a permit or registration would not be in the public interest.

6. The Designated Representative shall attest to the permit application or the permit renewal and shall be the operations manager for that facility and shall be responsible for all activities in the permitted facility which are subject to regulation by the Board.

7. The Designated Representative shall be required to be physically onsite at the facility a minimum of twenty (20) hours per work week or fifty per cent (50%) of the hours of operation of the facility, whichever is less. A record of the onsite hours of the designated representative shall be produced upon request by the Board or an agent of the Board. Exceptions will be recognized for practical reasons, i.e., vacation, sick time, etc.

8. If the employment of a designated representative is terminated, or if for any other reason he/she wishes to be relieved of the responsibilities of the permit holder,he/she must notify the MS Board of Pharmacy via the online portal. Application for a new designated representative must be made by within fifteen (15) days.

9. Any facility/business licensed by the State of Mississippi shall notify the Board of Pharmacy within fifteen (15) days, via the license portal, of any changes that might affect permitting status. This includes a closing, change of name, location, ownership, or legal matters involving the facility/business or its leadership.
   A. If a permitted facility has a change in ownership, a new online application must be made to the board within fifteen (15) days.
   B. If a permitted facility has a change in name or location, a facility amendment must occur

within 15 days of the change.

10. All pharmaceutical supply chain facilities permitted by the Mississippi Board of Pharmacy shall comply with the following:
    A. Storage Conditions;
        (1) Each facility where legend drugs or devices are repackaged, wholesaled, manufactured, distributed, stored, held, sold, or offered for sale, shall provide storage areas that assure proper lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions. All legend drugs, chemicals, or devices shall be stored at appropriate temperatures and under appropriate conditions per label requirements or official compendium requirements to assure that the identity, strength, quality, and purity of the products are not affected. If no storage requirements are established for a prescription drug, they may be stored at controlled room temperature as defined in an official compendium such as the United States Pharmacopeia/National Formulary. Appropriate manual, electro-mechanical, or electronic temperature and humidity recording equipment, devices, and/or logs shall be utilized to document proper storage of prescription drugs. This data shall be recorded at least daily.
        (2) A separate storage section shall be provided for legend drugs or devices that are deteriorated, outdated, misbranded, or otherwise adulterated.
        (3) Controlled substances should be isolated from non-controlled substances and stored in a secure area in accordance with Drug Enforcement Administration security requirements and standards.
    B. Labeling:
        (1) All Federal labeling requirements must be met to include but not limited to:
            (a) Changes to product labeling must be submitted to the FDA annually.
            (b) Labels must include product identifiers in a 2-dimensional data matrix barcode both on the package and homogeneous case, unless it is a product required to have a standardized numerical id.
            (c) Distributors and 3PLs shall only accept products with proper labeling.
        (2) Facilities/businesses shall have systems in place to verify product at the package level, including standard numerical identifiers and must be in full compliance with the Drug Supply Chain & Security Act (DSCSA).
    C. Facilities:
        (1) All buildings in which legend drugs or devices are wholesaled, repackaged, manufactured, distributed, stored, held, sold, or offered for sale, shall be of suitable size, construction, and location to facilitate cleaning, maintenance, and proper operations. Buildings shall meet all applicable federal, state, and local standards and shall be maintained in a clean and orderly condition and be free from infestation by insects, rodents, birds, or vermin of any kind.
        (2) Each facility shall have a quarantine area for storage of prescription drugs or devices that are outdated, damaged, deteriorated, non-compliant with DSCSA requirements, misbranded, or adulterated, or that are in immediate or sealed outer or sealed secondary container that have been opened. All suspect products should be quarantined until investigation is complete.
        (3) A facility shall not be located in a residence.
    D. Security:

(1) All facilities shall be equipped with an electronic security system that will provide suitable protection against theft and diversion and meets all applicable federal, state, and local standards. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(2) All facilities shall ensure that access from outside their premises is reduced to a minimum and be well controlled. This includes, but is not limited to, the installation of adequate lighting at the outside perimeter of the premises. Entry into areas where prescription drugs are stored or held shall be limited to authorized personnel.

(3) All facilities/businesses shall maintain written internal security policies which provide protection against theft and diversion by personnel. These policies shall provide protection against computer theft and crimes.

E. Recordkeeping:

(1) All facilities/businesses shall establish and maintain inventories and other records of all transactions regarding the receipt, distribution, and disposition of legend drugs or devices including the name and principal address of the seller or transferor and the address of the location from which the drugs were shipped. These records shall be maintained for a period of six (6) years following disposition of the drugs and must be compliant with all aspects of DSCSA. These records shall be made available for inspection and copying by the Mississippi Board of Pharmacy or other authorized federal, state, or local law enforcement agency officials. These records shall contain source of supply (items received, quantity, and date) and distribution (items distributed, quantity, and date).

(2) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two (2) working days of a written request by the Mississippi Board of Pharmacy or other authorized federal, state, or local law enforcement agency officials.

(3) Upon request by the Board, facilities/businesses that are permitted by the Board and who distribute prescription drugs or devices shall make available to the Board the following:

(a) A complete Mississippi customer roster;

(b) Transaction records of all distribution and sales for any period during the past six (6) years listing all sales or distribution of prescription drugs or devices to authorized persons upon request by the Board. This request shall be made in writing by the Board. The transaction records shall be supplied to the Board within two (2) working days and shall consist of the following:

(i) Name and address of the purchaser;

(ii) Name and address of the distributor;

(iii) Drug name, strength and dosage form, and quantity, including number of containers distributed;

(iv) The invoice number;

(v) The lot number of the product if required by DSCSA;

(vi) Date of transaction and shipment;

(vii) All records of returns or credits;
(viii) Must also include product identifiers at package level by applicable DSCSA deadline.

(4) Transaction records must also accompany products whenever prescription drug or devices products change hands (unless the product is being returned to the manufacturer asunsalable).
   (a) These records should be in a single electronic document as required by DSCSA.
   (b) Products should be verified by their identifiers upon sale/return. Any product that does not correspond with transaction records shall be treated as suspect.
   (c) Product shall not be accepted without transaction records, except when returned to the manufacturer as unsalable.
   (d) Transaction records are considered confidential and may only be provided to appropriate government officials and authorized trading partners with whom a written agreement is established.

(5) Transaction records shall be exchanged in a secure, interoperable, electronic manner, adhering to all regulations (compliance required by applicable DSCSA deadline).

(6) Systems and processes should be in place for accepting salable returns by associating products with transaction records (compliance required by applicable DSCSA deadline).

F. Written Policies and Procedures:

Facilities/businesses shall establish, maintain, and adhere to written policies and procedures which allow and demonstrate oversight of legend product based on their scope of service. Specifically, wholesale drug or device distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage,inventory, and distribution of prescription drugs or devices, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Written policies and procedures shall include:

(1) A procedure to assure that the facility/business prepares for, protects against, and handles crisis situations that affect the security or operation of the facility. Such crises may include fires, floods, or other naturaldisasters, and situations of local, state, or national emergency.

(2) A procedure whereby the oldest approved stock of a prescription drug or device product is distributed first. The procedure may permit deviation from this requirement if such deviation is temporary and appropriate.

(3) A procedure to assure that any outdated stock, or any stock with an expiration date that does not allow sufficient timefor resale shall be segregated from other stock and shall be prepared for return to the manufacturer or otherwise appropriately destroyed.This procedure shall provide for written documentation of the disposition of outdated prescription drugs. This documentation shall be maintained for a period of six (6) years after the disposition of the outdated drugs or devices.

(4) A procedure to assure the facility/business exercises control over the shipping and receiving of all stock within the operation, including the following practices:
   (a) Upon receipt, each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or devices or prescription drugs or devices that are otherwise unfit for distribution. This

examination shall be adequate to reveal container damage that would suggest possible contamination or other damage tothe contents.

(b) Each outgoing shipment shall be carefully inspected for identity of the prescription drug products or devices and to ensure that there is no delivery of prescription drugs or devices that have been damaged in storage or held under improper conditions.

(c) The recordkeeping requirements in paragraph (E.) of this section shall be followed for all incoming and outgoing prescription drugs or devices.

G. Returned, Damaged and Outdated Prescription Drugs:

(1) Prescription drugs or devices that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other prescription drugs or devices until they are destroyed or returned to their supplier.

(2) Any prescription drug or device whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such,and shall be quarantined and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

(3) If the conditions under which a prescription drug or device has been returned cast doubt on the safety, identity, strength, quality, or purity, then the drug or device shall be destroyed, or returned to the supplier, unless examination, testing or other investigation proves that appropriate standards of safety, identity, strength, quality, and purity are met. In determining whether the conditions under which a product has been returned cast doubt on the drug's or device's safety, identity, strength, quality, or purity, the wholesale drug distributor shall consider, among other things, the conditions under which the drug or device has been held, stored,or shipped before or during its return and the condition of the drug and its container, carton, or labeling, as a result of storage or shipping.

(4) The recordkeeping requirements in paragraph E. of this section shall be followed for all outdated, damaged, deteriorated, misbranded, or adulterated prescription drugs or devices. Written policies and procedures shall be maintained at thepermitted facility to implement the above requirements.

H. Handling Recalls:

(1) A facility/business shall provide support for manufacturer recalls and withdrawals of prescription drugs or devices.

(2) A wholesale operation must maintain and follow written policies and procedures for handling recalls and withdrawals of products. Such a policy should cover all recalls and withdrawals of drug products or devices due to:

(a) Any voluntary action on the part of the manufacturer.

(b) The direction of the Food and Drug Administration, or any other federal, state, or local government agency.

(c) Replacement of existing merchandise with an improved product or new package design.

I. Due Diligence To Identify Suspect/Illegitimate Products:

(1) A facility/business in the drug supply chain shall cooperate in efforts to identify,isolate, investigate suspect products, and determine if such products are illegitimate.

(2) A facility/business should establish processes for identifying trading partners and transactions that require heightened vigilance in preventing the receipt of suspect product. Heightened vigilance includes the examination of required records (ie.

invoices, shipping documents, transaction history) for suspicious business practices and physical examination of product for factors that increase the risk of a product being suspect, such as:

(a) A trading partner that has been involved in business transactions where they sold or delivered illegitimate product;
(b) A trading partner that has a history of problematic or potentially false transaction histories or pedigrees, such as those that contain misspelled words or incomplete information;
(c) A Trading Partner that is reluctant to provide a Transaction History associated with the Product being purchased or does not do so in a timely manner;
(d) A Trading Partner that provides Transaction Information, a Transaction Statement, and/or Transaction History that appears to be incomplete or suspicious;
(e) The trading partner providing wholesale operations but is co-located with a pharmacy.
(f) The product offered for sale was previously owned by a dispenser;
(g) The price of a product is suspicious;
(h) The product has been previously or is currently the subject of a drug shortage;
(i) A product that is in higher demand because of its potential or perceived relationship to a public health or other emergency;
(j) The appearance of the package is suspicious; or
(k) The package exhibits unusual or excessive adhesive residue.

(3) Suspect products shall be quarantined, and an investigation opened into the product legitimacy. The FDA and all trading partners shall be notified of any suspect product within 24 hours, and subsequently of the results of any investigation. Records of investigations shall be kept for a minimum of 6 years regardless of the outcome.
(4) Products deemed illegitimate shall be disposed of after a sample is taken for physical exam/laboratory analysis.

J. Due Diligence for Controlled Substance Ordering and Dispensing

(1) Facility/business that perform customer visits as part of customer diligence reviews to resolve red flags regarding ordering or dispensing practices of controlled substances shall share with the Board all reports and determinations within three (3) business days of receiving reports from customer.
(2) Facility/business that make the determination to suspend controlled substance ordering ability for customers must notify and provide related detailed rationale to the Board within one business day of suspension of ordering abilities.

K. Compliance with Local, State and Federal Law; Inspections, Violations and Penalties:

(1) Each facility/business shall comply with all applicable local, state and federal laws and regulations.
(2) The Board may conduct inspections upon all premises purporting or appearing to be used by persons permitted under this Article. The Board in its discretion may accept a satisfactory inspection from another regulatory or inspecting body which the Board determines to be comparable to that made by the Federal Food and Drug Administration or the Board. Upon request, the facility shall furnish to the Board a copy of any and all reports of inspections conducted by the Federal Food and Drug Administration or any other inspecting entity.
(3) Any facilities/businesses that possess, transport or store controlled substances in or into

MS shall obtain a controlled substance registration from the MS Board of Pharmacy in addition to a registration number from the Federal Drug Enforcement Administration and shall comply with all applicable state and federal DEA regulations.

(4) The Board or its representatives may enter to inspect, during reasonable hours, a facility which has obtained or applied for a permit with the Board. Failure to allow an inspection is cause to deny a permit or result in disciplinary action upon a permit.

(5) The Board shall have the authority to suspend, revoke, or restrict any permit or registration issued under this Article upon discipline and/or conviction of violations of this Article or other federal, state, or local drug laws or regulations.

(6) Before any permit may be suspended, restricted, or revoked or monetary penalties imposed, the facility/business shall have the right to prior notice and a hearing pursuant to Section 73-21-99, Mississippi Code of 1972.

L. Personnel

(1) Each facility/business shall employ adequate personnel with the education and experience necessary to safely and lawfully engage in the sale and wholesale distribution of prescription drugs or devices.

(2) Each facility/business shall maintain a list of all personnel who have access to controlled substances and shall make available to the Board proof of background searches on any such employee. No person who has access to controlled substances shall have been convicted in any federal or state court of any drug related crime.

(3) Each facility/business shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

M. Salvaging and Reprocessing:

(1) All facilities/businesses shall be subject to the provisions of any applicable federal, state, or local laws or regulations that relate to prescription drug product salvaging or reprocessing, including Title 21, Chapter 1, Subchapter C, Parts 207, 210 and 211 of the Code of Federal Regulations. Any reverse distributor that receives saleable product for reintroduction into the supply chain will also need to be permitted as a wholesale distributor.

N. Repackaging:

(1) Every repackager shall register with the Federal Food and Drug Administration and shall be in compliance with all laws, rules, regulations, and FDA issued guidance regarding such registration. Written notification furnished by the Federal Food and Drug Administration citing violations of federal laws, rules, and regulations shall be prima facie evidence of violation of this Article.

(2) Repackagers shall maintain all products in the manufacturer's original container except as allowed by federal laws, rules, and regulations regarding prescription drug repackaging. Once distributed, repackaged products which are returned to the repackager shall be immediately quarantined and either destroyed or returned to the original manufacturer.

11. Prohibited Acts

E. No facility/business may engage in wholesale distribution of a prescription drug, API's, or device in or into Mississippi unless the facility/business is licensed/permitted:

(1) By the state from which the drug, API, or device is distributed, or if the State from

which the drug, API, or device is distributed has not established a licensure requirement, is licensed by the Federal Drug Administration; and

(2) By the state into which the drug, API, or device is distributed.

F. No facility/business engaged in wholesale distribution is allowed to acquire prescription drugs, API's, or devices from a dispenser for resale within the State of Mississippi. The return by a dispenser of prescription drugs, API's, or devices originally purchased from that facility/business is exempt from this requirement.

G. Any facility/business permitted by the Mississippi Board of Pharmacy shall not sell or distribute a prescription drug, API, or device to any individual or business unless the individual or business is licensed or permitted to prescribe, dispense, or possess prescription drugs, API's, or devices by an agency of the state in which the individual or business is located.

H. Any facility/business permitted by the Board shall not distribute prescription drugs, API's, or devices to persons in this state unless such person is either a licensed physician, osteopath, podiatrist, or physician's assistant licensed by the Mississippi Board of Medical Licensure; a licensed dentist, licensed by the Mississippi Board of Dental Examiners; a licensed veterinarian, licensed by the Mississippi Board of Veterinary Medicine; or a drug supply chain facility/business permitted by the Board. An optometrist licensed by the Mississippi State Board of Optometry, may purchase prescription drugs or devices as authorized by said Board of Optometry. An advanced practice registered nurse, licensed by the Mississippi Board of Nursing may purchase prescription drugs or devices as authorized by said Board of Nursing.

Came on March 28, 2024, the matter of Lyquita Wilson, Pharmacy Technician Registration Number PT-227255, 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 Mike Gilbow served on the Investigative Review Committee and did not participate in this hearing.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

LYQUITA WILSON
1714 LAKE TRACE DRIVE
JACKSON, MS 39211

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-227255

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Lyquita Wilson, Pharmacy Technician Registration Number PT-227255, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Lyquita Wilson, Pharmacy Technician Registration Number PT-227255, 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, Lyquita Wilson, Pharmacy Technician Registration Number PT-227255, admitted that while employed at Walgreens #12822, Permit No. 08028/1.2, she used customer coupons for personal use, which had a value of Ten Dollars ($10.00) a coupon. Lee Coffey, Walgreen's Asset Protection Manager, reported to an agent of the Board that Wilson has utilized approximately thirty-three (33) coupons for her personal use. Wilson surrendered her pharmacy technician registration on December 6, 2023.

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-227255, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent did not appear for the hearing and the hearing was held in absentia.
(5) The Respondent committed the violation as charged.
(6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

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

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-227255.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-227255 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Twenty-Three Dollars and Seventy-Two Cents ($123.72).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Park Place Pharmacy, Permit to Operate as a Pharmacy, Permit Number 09036/1.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board member Ryan Harper served on the Investigative Review Committee and did not participate in this hearing. Board member Tony Waits recused himself and did not participate in this hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

PARK PLACE PHARMACY
46 PARKWAY LANE
PETAL, MS 39465

PERMIT TO OPERATE AS A PHARMACY, NUMBER 09036/1.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Park Place Pharmacy, Permit to Operate as a Pharmacy, Permit Number 09036/1.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Park Place Pharmacy, Permit to Operate as a Pharmacy, Permit Number 09036/1.1, is alleged to have committed the following violations:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1F:

> Violation of any of the provisions of the Mississippi Pharmacy Practice Act or rules or regulations adopted pursuant to such Act; or violation of pharmacy or drug laws of any other state or the federal government or the rules/regulations pertaining thereto;

Count 1:
Mississippi Board of Pharmacy Practice Regulations, ARTICLE XXIII. Paragraph 1. B and C:

1. Every facility permitted by the Board of Pharmacy shall keep complete and accurate records of the acquisition and disposition of all controlled substances. Records of acquisition must be maintained for a period of two (2) years. Records of disposition must be maintained for a period of six (6) years.
   These records shall include:
   A. A current dated and signed inventory of all controlled substances on hand on the inventory date;
   B. Complete and accurate records of receipt of all controlled substances;
   C. Complete and accurate records of disposition of all controlled substances.

Specifically, an audit of hydrocodone and oxycodone products was conducted at Park Place Pharmacy, Pharmacy Permit Number 09036/1.1. The audit revealed several shortages of these products from June 4, 2022, through April 18, 2023. The pharmacy did not have accurate records to account for the receipt and disposition of these products.

Count 2:
Mississippi Board of Pharmacy Practice Regulations, ARTICLE XXIV Paragraph 1:

> In all places where controlled substances are maintained, they shall be maintained in a manner to deter loss by theft or burglary.

Specifically, an audit of hydrocodone and oxycodone products was conducted at Park Place Pharmacy, Pharmacy Permit Number 09036/1.1. The audit revealed several shortages of these products from June 4, 2022, through April 18, 2023. The pharmacy did not maintain these controlled substances in a manner to deter loss by theft or burglary.

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 statute.
(2) The Respondent has been afforded all due process required by law.
(3) The Respondent was issued a Permit to Operate a Pharmacy Number 09036/1.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent committed the violations as charged.

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 Three Thousand Dollars ($3,000.00) 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 Five Hundred Twenty-Two Dollars and Sixty-Seven Cents ($522.67).
- The total monetary penalty and cost of investigation in the amount of Four Thousand Five Hundred Twenty-Two Dollars and Sixty-Seven Cents ($4,522.67) shall be paid by the Respondent within thirty (30) days of this Order.
- The Respondent shall provide a plan of action to the Board detailing steps to come into compliance with controlled substance regulations.
- The Respondent shall provide quarterly controlled substances accountability audit reports to the Board.

- The Respondent shall petition the Board to request the removal of this condition upon the Respondent.
- The total monetary penalty of Four Thousand Five Hundred Twenty-Two Dollars and Sixty-Seven Cents ($4,522.67) is due and payable in the office of the Board within thirty (30) days of receipt of this Order. The monetary penalty shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

On March 28, 2024, the matter of Curis R. Dykes, Pharmacist Certificate of Registration Number E-05870, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and David Hudson served on the Investigative Review Committee and did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

CURTIS R. DYKES
1048 MEADOW LANE
MAGNOLIA, MS 39652

LICENSE TO PRACTICE PHARMACY NUMBER E-05870

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Curis R. Dykes, Pharmacist Certificate of Registration Number E-05870, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Curis R. Dykes, Pharmacist Certificate of Registration Number E-05870, is alleged to have committed the following violations:

Count 1:
Mississippi Pharmacy Practice Regulations, Article VII Responsibility of Pharmacist-in-Charge (PIC), Paragraph 1. A:

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. A pharmacist shall not be the PIC at more than one Community Pharmacy or Institutional I Pharmacy (unless the Board grants a waiver upon presentation of good cause) and shall not be the pharmacist-in-charge or have personal supervision of more than one facility which is open to the general public on a full-time basis.

Specifically, Curtis R. Dykes, License to Practice Pharmacy, Certificate of Registration Number E-05870, was the PIC of Clint's Pharmacy, Permit Number 01781/1.1, 201 Hwy 51 North, Brookhaven, MS 39601, when Clint Bane practiced pharmacy during October 2023 without an active pharmacist license. As the pharmacist-in-charge, Dykes was responsible for ensuring that all personnel were properly registered or licensed with the Board.

Count 2:
Mississippi Pharmacy Practice Regulations, Article XIV Labeling Requirements:

1. Before a dispensed drug for an outpatient is released from the dispensing area, it shall bear a label containing the name and address of the pharmacy, a prescription number, the name of the prescriber, the name of the patient, directions for taking the medication, the date of the filling or refilling of the prescription, the initials or identifying code of the dispensing pharmacist, and any other information which is necessary or required.
2. The pharmacist who fills a prescription shall indicate his or her identity as the dispensing pharmacist on the label of the dispensed medication. Identification may be made by placing initials on the label of the dispensed medication. The label shall be affixed to the outside of the container of the dispensed medication by means of adhesive, tape, or any other means which will assure that the label remains attached to the container.

Specifically, a transaction log of all prescriptions processed at Clint's Pharmacy, Permit Number 01781/1.1, from May 18, 2023, to October 24, 2023, documents that Curtis Dykes did not properly label any of the prescriptions dispensed by him by placing his initials on the labels of the prescriptions.

FINDINGS OF FACT

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

(1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.

(2) The Respondent was issued a license to practice pharmacy by the Board, Certificate of Registration Number E-05870, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.

(3) The Respondent committed the 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 Mississippi Code Annotated Section 73-21-103 (l)(d)(i), Respondent shall pay a monetary penalty in the amount of One Thousand Dollars ($1,000.00).
- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Thirty-Three Dollars and Sixty-Seven Cents ($133.67).
- The total monetary penalty of One Thousand One Hundred Thirty-Three Dollars and Sixty-Seven Cents ($1,133.67) is due and payable in the office of the Board within thirty (30) days of receipt of this Order. The monetary penalty shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued

by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

Board Members Jillian Foster, Tony Waits, Craig Sartin and Mike Gilbow affirmed Order. Board Member Ryan Harper voted against the Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

On March 28, 2024, the matter of Clint E. Bane, Pharmacist Certificate of Registration Number E-07204, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and David Hudson served on the IRC and did not participate in the hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

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

LICENSE TO PRACTICE PHARMACY NUMBER E-07204

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Clint E. Bane, Pharmacist Certificate of Registration Number E-07204, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Clint E. Bane, Pharmacist Certificate of Registration Number E-07204, is alleged to have committed the following violations:

Mississippi Code Annotated Section 73-21-83 (2):

(2) A license for the practice of pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy.

Specifically, Clint E. Bane, License to Practice Pharmacy, Certificate of Registration Number E-07204, engaged in the practice of pharmacy approximately 8-10 times at Clint's Pharmacy, Permit Number 01781/1.1, 201 Hwy 51 North, Brookhaven, MS 39601, prior to renewing his pharmacist license. Bane's license had previously been suspended by the Board and the suspension ended on May 18, 2023. Bane did not renew his license after the suspension prior to engaging in the practice of pharmacy.

FINDINGS OF FACT

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

(1) The Respondent was properly notified of the charge by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing the charge as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.

(2) The Respondent was issued a license to practice pharmacy by the Board, Certificate of 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 Respondent committed the violation as charged.

FINAL ORDER OF THE BOARD

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

- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(d)(vii), Respondent shall pay a monetary penalty in the amount of One Thousand Dollars ($1,000.00) per day for the ten (10) days he practiced pharmacy without a valid license. This amounts to a monetary penalty of Ten Thousand Dollars ($10,000.00).
- Pursuant to Mississippi Code Annotated Section 73-21-103 (l)(d)(iii), Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Thirty-Three Dollars and Sixty-Seven Cents ($133.67).
- The total monetary penalty of Ten Thousand One Hundred Thirty-Three Dollars and Sixty-Seven Cents ($10,133.67) is due and payable in the office of the Board within thirty (30) days of receipt of this Order. The monetary penalty shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Clint's Pharmacy, Permit to Operate as a Pharmacy, Permit Number 01781/1.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and David Hudson served on the Investigative Review Committee and did not participate in this hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

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

PERMIT TO OPERATE AS A PHARMACY, NUMBER 01781/1.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Clint's Pharmacy, Permit to Operate as a Pharmacy, Permit Number 01781/1.1, pursuant to Section 73-21-97(1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Clint's Pharmacy, Permit to Operate as a Pharmacy, Permit Number 01781/1.1, is alleged to have committed the following violations:

Mississippi Pharmacy Practice Regulations, Article IX Action Against Permits, Paragraphs 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.

Count 1:
Mississippi Pharmacy Practice Regulations, Article VII Responsibility of Pharmacist-in-Charge (PIC), Paragraph 1. A:

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. A pharmacist shall not be the PIC at more than one Community Pharmacy or Institutional I Pharmacy (unless the Board grants a waiver upon presentation of good cause) and shall

not be the pharmacist-in-charge or have personal supervision of more than one facility which is open to the general public on a full-time basis.

Specifically, Curtis R. Dykes, License to Practice Pharmacy, Certificate of Registration Number E-05870, was the PIC of Clint's Pharmacy, Permit Number 01781/1.1, 201 Hwy 51 North, Brookhaven, MS 39601, when Clint Bane practiced pharmacy during October 2023 without an active pharmacist license. As the pharmacist-in-charge, Dykes was responsible for ensuring that all personnel were properly registered or licensed with the Board.

Count 2:
Mississippi Pharmacy Practice Regulations, Article XIV Labeling Requirements:

1. Before a dispensed drug for an outpatient is released from the dispensing area, it shall bear a label containing the name and address of the pharmacy, a prescription number, the name of the prescriber, the name of the patient, directions for taking the medication, the date of the filling or refilling of the prescription, the initials or identifying code of the dispensing pharmacist, and any other information which is necessary or required.
2. The pharmacist who fills a prescription shall indicate his or her identity as the dispensing pharmacist on the label of the dispensed medication. Identification may be made by placing initials on the label of the dispensed medication. The label shall be affixed to the outside of the container of the dispensed medication by means of adhesive, tape, or any other means which will assure that the label remains attached to the container.

Specifically, a transaction log of all prescriptions processed at Clint's Pharmacy, Permit Number 01781/1.1, from May 18, 2023, to October 24, 2023, indicated that Curtis Dykes did not properly label any of the prescriptions dispensed by him by placing his initials on the labels of the prescriptions.

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 statute.
(2) The Respondent has been afforded all due process required by law.
(3) The Respondent was issued a Permit to Operate a Pharmacy Number 09036/1.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
(4) The Respondent committed the violations as charged.

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 One Hundred Thirty-Three Dollars and Sixty-Seven Cents ($133.67).
- The total monetary penalty of Six Thousand One Hundred Thirty-Three Dollars and Sixty-Seven Cents ($6,133.67).is due and payable in the office of the Board within thirty (30) days of receipt of this Order. The monetary penalty shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Dees America Supply LLC, Medical Equipment Supplier Permit # 18355/11.1, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ryan Harper and Mike Gilbow served on the Investigative Review Committee and did not participate in this hearing.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

DEES AMERICA SUPPLY LLC
2203 HIGHWAY 39N #B
MERIDIAN, MS 39301

MEDICAL EQUIPMENT SUPPLIER PERMIT, NUMBER 18355/11.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Dees America Supply LLC, Medical Equipment Supplier Permit # 18355/11.1, pursuant to Section 73-21-108, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Dees America Supply LLC, Medical Equipment Supplier Permit # 18355/11.1, is alleged to have committed the following violation:

Mississippi Pharmacy Administrative Rules, Rule 2.1 H;

Failure to comply with lawful orders of the Board.

Specifically, on July 13, 2023, Dees America Supply LLC, Medical Equipment Supplier Permit # 18355/11.1, was ordered by the board to pay a monetary penalty and cost of investigation totaling Five Thousand Two Hundred Seventy-Five Dollars and Thirty-Four Cents ($5,275.34). Dees America Supply LLC paid Five Thousand Dollars ($5,000.00) of the imposed monetary penalty. On October 9, 2023, a payment demand letter for the outstanding balance of Two Hundred Seventy-Five Dollars and Thirty-Four Cents ($275.34) was sent to Dees America Supply. The outstanding balance has not been paid.

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 statute.
(2) The Respondent has been afforded all due process required by law.
(3) The Respondent was issued a Medical Equipment Supplier Permit Number 18355/11.1, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-108 (7)(b), Mississippi Code of 1972, Annotated.
(4) The Respondent did not appear for the hearing and the hearing was held in absentia.
(5) The Respondent committed the violation as charged.

FINAL ORDER OF THE BOARD

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

- Pursuant to Section 73-21-108(7)(a), Mississippi Code of 1972, Annotated, Medical Equipment Supplier Permit # 18355/11.1 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 this permit. The Board will not consider a petition for reinstatement of this permit until at least one (1) year from the date of this Order.
- The remaining balance of the Order dated July 13, 2023, in the amount of Two Hundred Seventy-Five Dollars and Thirty-Four Cents ($275.34) shall be paid by the Respondent prior to the reinstatement of the permit.
- The balance of Two Hundred Seventy-Five Dollars and Thirty-Four Cents ($275.34) shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

All members participating in the hearing affirmed this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

On March 28, 2024, came the matter of Pharmcore, Inc. dba Hallandale Pharmacy, Permit to Operate as a Pharmacy, Permit Number 15930/7.1, herein also referred to as Respondent, pursuant to a petition to the Board to amend its Board Order dated November 16, 2023.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

PHARMCORE, INC.
DBA HALLANDALE PHARMACY
2666 SW 36TH STREET
DANIA, FL 33312

PERMIT TO OPERATE AS A PHARMACY, NUMBER 15930/7.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Pharmcore, Inc. dba Hallandale Pharmacy (Hallandale Pharmacy), Permit to Operate as a Pharmacy, Permit Number 15930/7.1, pursuant to Section 73-21-103(2), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Hallandale Pharmacy is alleged to have committed a violation of the Mississippi Board of Pharmacy Practice Regulations, ARTICLE XXXI.1.A which provides in relevant part:

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.

Specifically, Hallandale Pharmacy applied for a compounding certificate from the Mississippi Board of Pharmacy in September 2019. Hallandale Pharmacy was notified on December 27, 2019, that the compounding certificate application was denied due to an unsatisfactory inspection report

and a new application could be submitted with a new inspection report. Hallandale Pharmacy was also notified that no compounded prescription medication could be shipped into Mississippi until a compounding certificate was obtained. In December of 2021, Hallandale Pharmacy submitted another compounding certificate application. On December 20, 2021, this application was also denied. Despite not having a compounding certificate, Hallandale Pharmacy shipped compounded prescription medication to patients in Mississippi in violation of the Mississippi Board of Pharmacy Practice Regulations, ARTICLE XXXI in 2020, 2021, 2022 and 2023.

FINDINGS OF FACT

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

(1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law.

(2) The Respondent was subject to jurisdiction of the Board pursuant to Section 73-21-97 (l)(f), Mississippi Code of 1972, Annotated.

(3) The Respondent committed the violation as charged and shipped compounded prescription medication into the State of Mississippi without a compounding certificate in 2020, 2021, 2022 and 2023.

(4) The Board heard additional information at this hearing.

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 the Board dated November 16, 2023, regarding the Respondent is hereby vacated.
- 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 for the year 2020.
- 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 1 for the years 2021, 2022 and 2023 for a total of Fifteen Thousand Dollars ($15,000.00).
- Pursuant to Section 73-21-103 (1)(d)(iii), Respondent shall pay the cost of investigation and proceeding in the amount of Two Hundred Fifty Dollars ($250.00).
- Pharmcore, Inc. dba Hallandale Pharmacy, Permit to Operate as a Pharmacy, Permit Number 15930/7.1 expired, effective December 31, 2023. Respondent agrees not to apply to the Board for reinstatement of its pharmacy permit or compounding certificate for a period of five (5) years, commencing on January 1,2024 and ending on December 31, 2028. The Respondent shall be required to appear before the Board to request reinstatement of its pharmacy permit and compounding certificate prior to reinstatement or renewal.

- The total monetary penalty and cost of investigation shall be Sixteen Thousand Two Hundred Fifty Dollars ($16,250.00). The monetary penalty shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

Board members Ronnie Bagwell, Jillian Foster, Ryan Harper, Craig Sartin, David Hudson and Mike Gilbow voted to affirm this Order. Board member Tony Waits voted against this Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Lisa Stuart Smith, License to Practice Pharmacy, Certificate of Registration Number E-010355 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:

LISA STUART SMITH
400 WEST PARK AVENUE
GREENWOOD, MS 38930

LICENSE TO PRACTICE PHARMACY NUMBER E-010355

JURISDICTION

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

PROCEEDINGS

The Petitioner surrendered her license due to 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. On March 28, 2024, the Petitioner appeared before the Board with a request to reinstate the license of the Petitioner.

The Board heard testimony concerning the treatment and recovery of the Petitioner.

ACTION OF THE BOARD

Based upon the clear and convincing evidence presented at the petition hearing, the Board voted to reinstate the Petitioner's license effective July 1, 2024, subject to the following conditions and restrictions:

- Reinstatement of the license is conditioned upon the criminal matter resolving through pre-trial diversion or non-adjudication of the charges against the Petitioner. If a criminal conviction against the Petitioner is issued by a court of competent jurisdiction, the license of the Petitioner shall not be reinstated.
- Petitioner shall provide the pre-trial diversion or non-adjudication Order issued by the judge for the Petitioner.
- Petitioner shall comply with all conditions or terms of the Court Order and shall notify the Board of any violation of a condition or term of such Court Order.
- Petitioner shall provide written documentation from the Court of the completion by the Petitioner of the Court Order.
- Petitioner shall enter into a contract with the Mississippi Association of Recovering Pharmacists ("MARP") and comply with the terms of that contract. The MARP contract shall expire ten (10) years from the date of this Order.
- Petitioner shall abstain from the use of alcohol or the unauthorized use of controlled substances or other habit-forming legend drugs.
- Petitioner shall not take any mood-altering drug which has not been prescribed for her.
- Petitioner shall immediately inform the Board in writing (by email or fax) of all medications prescribed for her, stating the name of the drug, the number and strength of

the doses prescribed, the dosage regimen and the name and registration number of the prescriber.

- Petitioner shall submit a urine specimen, serum specimen or hair sample when requested by the Board or any agent of the Board of Pharmacy.
- Petitioner shall keep the Board informed at all times as to the place of her employment as a Pharmacist and any change in residential address.
- Petitioner shall submit a written quarterly report (on a form prescribed by the Board) to the Board, due the first week of January, April, July, and October, detailing her personal and professional well-being.
- Petitioner shall pay the cost of investigation and hearing proceeding in the amount of Eight Hundred Eleven Dollars and Ninety-Nine Cents ($811.99) prior to reinstatement of her license.

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

Board members Ryan Harper, Jillian Foster, Tony Waits, Craig Sartin, David Hudson and Mike Gilbow affirmed this Order. Board member Ronnie Bagwell voted against the Order.

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin

Came on March 28, 2024, the matter of Austine Onyia, Intern/Extern Registration IE-8723, herein also referred to as Petitioner, pursuant to a request to petition the Mississippi Board of Pharmacy. Board Members Ronnie Bagwell, Jillian Foster, Craig Sartin, Tony Waits, David Hudson and Mike Gilbow affirmed this Order. Board Member Ryan Harper voted against approving the petition request.

BEFORE THE MISSISSIPPI BOARD OF PHARMACY

IN THE PETITION OF:

AUSTINE ONYIA
1401 HIGHWAY 80 EAST
APT. D-45
CLINTON, MS 39056

INTERN/EXTERN REGISTRATION NUMBER IE-8723

JURISDICTION

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

PROCEEDINGS

The Petitioner's intern/extern registration expired March 23, 2024, prior to him earning the hours needed to sit for the MPJE. The Petitioner requests that the Board renew his intern/extern registration for him to complete the hours needed to sit for the MPJE. The Board heard testimony concerning the Petitioner's request.

ACTION OF THE BOARD

The Board renewed the Petitioner's intern/extern registration for six (6) months from the date of this Order.

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

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ORDERED AND AGREED TO, this the 28th day of March 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Jillian Foster, Secretary

Michael Gilbow

Ryan Harper

David Hudson

Craig Sartin