

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

**ARTICLE XLIII PRESCRIPTION MONITORING PROGRAM**

The Board of Pharmacy shall develop and implement a computerized program to track prescriptions for controlled substances and to report suspected abuse and misuse of controlled substances in compliance with the federal regulations promulgated under authority of the National All Schedules Prescription Electronic Reporting Act of 2005 and in compliance with the federal HIPAA law, under the following conditions:

(a) Reporting of dispensing information shall be mandatory and required every 24 hours or next business day by the State Board of Pharmacy for any entity dispensing controlled substances in or into the State of Mississippi, except for the dispensing of controlled substance drugs prescribed by a veterinarian residing in the State of Mississippi.

(b) (i) The prescriptions tracked shall be prescriptions for controlled substances listed in Drug Enforcement Agency Schedule II, III, IV or V and specified noncontrolled substances authorized by the State Board of Pharmacy that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location. This includes mail order pharmacies.

(ii) Dispensing by a Veterinarian is exempt (Prescriptions written by a veterinarian and filled by a pharmacy are required to be reported). Direct administration of a controlled substance to the body of an ultimate user (such as in an inpatient setting) is exempt from reporting. Any quantity of drug dispensed that is limited to an amount adequate to treat the ultimate user involved for 48 hours or less is exempt from reporting. Controlled substance prescriptions dispensed for patients in nursing homes, ICFMRs, and Assisted Living facilities ARE required to be reported.

(iii) The Board may specify a uniform electronic format for the mandatory reporting, sharing, and disclosure of PMP information. Dispensers will submit information as required by the Prescription Monitoring Program.

(c) The Board of Pharmacy shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement or occupational licensing board and provide them with the relevant information obtained for further investigation.

(d) The program shall provide information regarding the potential inappropriate use of controlled substances and the specified noncontrolled substances to practitioners, pharmacists-in-charge and appropriate state agencies in order to prevent the inappropriate or illegal use of these controlled substances. The specific purposes of the program shall be to: be proactive in safeguarding public health and safety; support the legitimate use of controlled substances; facilitate and encourage the identification, intervention with and treatment of individuals addicted to controlled substances and specified noncontrolled drugs; identify and prevent drug

diversion; provide assistance to those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.

(e) (i) Access to collected data shall be confidential and not subject to the provisions of the federal Freedom of Information Act or the Mississippi Open Records Act. Upon request, the State Board of Pharmacy shall provide collected information to: pharmacists or practitioners who are properly registered with the State Board of Pharmacy and are authorized to prescribe or dispense controlled substances for the purpose of providing medical and pharmaceutical care for their patients; local, state and federal law enforcement officials engaged in the administration, investigation or enforcement of the laws governing illicit drug use; regulatory and licensing boards in this state; Division of Medicaid regarding Medicaid and Medicare Program recipients; judicial authorities under grand jury subpoena; an individual who requests the individual's own prescription monitoring information; and prescription monitoring programs in other states through mutual agreement adhering to State Board of Pharmacy policies.

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating the potential illegal acquisition, distribution, dispensing, prescribing or administering of the controlled and noncontrolled substances monitored by the program, subject to all legal restrictions on further dissemination of the information obtained.

(iii) The State Board of Pharmacy may also provide generic, nonidentifying statistical data for research or educational purposes.

(iv) All pharmacists licensed in Mississippi must register to use the Prescription Monitoring Program. Pharmacists who do not register may not be able to renew their Mississippi pharmacist license.

(f) (i) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and 73-21-103.

(ii) The board may impose a monetary penalty for a person authorized to obtain prescription information and who knowingly discloses this information for misuse or purposely alters the reporting information as provided in Section 73-21-103.

(g) The Board of Pharmacy and the Prescription Monitoring Program shall be immune from civil liability arising from inaccuracy of any of the information submitted to the program pursuant to this act.

(h) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y).

(i) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.

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

**ARTICLE XLIII PRESCRIPTION MONITORING PROGRAM**

1. ~~The Board of Pharmacy shall establish and maintain, with the consultation of the Prescription Monitoring Advisory Board, an electronic system for monitoring and tracking prescriptions dispensed for controlled substances listed in Schedules II, III, IV or V that are dispensed by a pharmacy.~~

~~The Prescription Monitoring Program shall provide information regarding the inappropriate use of controlled substances in Schedule II, III, IV and V to pharmacies, practitioners and appropriate state or federal agencies in order to prevent the improper or illegal use of such controlled substances. This program shall not infringe on the legal use of controlled substances for the management of severe or intractable pain.~~

develop and implement a computerized program to track prescriptions for controlled substances and to report suspected abuse and misuse of controlled substances in compliance with the federal regulations promulgated under authority of the National All Schedules Prescription Electronic Reporting Act of 2005 and in compliance with the federal HIPAA law, under the following conditions:

(a) Reporting of dispensing information shall be mandatory and required every 24 hours or next business day by the State Board of Pharmacy for any entity dispensing controlled substances in or into the State of Mississippi, except for the dispensing of controlled substance drugs prescribed by a veterinarian residing in the State of Mississippi.

(b) (i) The prescriptions tracked shall be prescriptions for controlled substances listed in Drug Enforcement Agency Schedule II, III, IV or V and specified noncontrolled substances authorized by the State Board of Pharmacy that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location. This includes mail order pharmacies.

(ii) Dispensing by a Veterinarian is exempt (Prescriptions written by a veterinarian and filled by a pharmacy are required to be reported). Direct administration of a controlled substance to the body of an ultimate user (such as in an inpatient setting) is exempt from reporting. Any quantity of drug dispensed that is limited to an amount adequate to treat the ultimate user involved for 48 hours or less is exempt from reporting. Controlled substance prescriptions dispensed for patients in nursing homes, ICFMRs, and Assisted Living facilities ARE required to be reported.

(iii) The Board may specify a uniform electronic format for the mandatory reporting, sharing, and disclosure of PMP information. Dispensers will submit information as required by the Prescription Monitoring Program.

(c) The Board of Pharmacy will shall report any activity it reasonably suspects may be fraudulent

or illegal to the appropriate law enforcement or regulatory occupational licensing board and provide them with the relevant information obtained for further investigation.

~~2. A record of all controlled substance dispensing information shall be transmitted to the Prescription Monitoring Program on a time basis determined by the program by all pharmacies dispensing controlled substances (greater than a 48 hours supply) on an out-patient basis for the purpose of tracking the dispensing of Schedules II, III, IV and V controlled substances by the Prescription Monitoring Program. Dispensers will be required to collect and transmit the following information:~~

- ~~(A) The recipient's name.~~
- ~~(B) The recipient's or the recipient representative's identification number.~~
- ~~(C) The recipient's date of birth.~~
- ~~(D) The national drug code (NDC) number of the controlled substance dispensed.~~
- ~~(E) The date the controlled substance is dispensed.~~
- ~~(F) The quantity of the controlled substance dispensed.~~
- ~~(G) The number of days supply dispensed.~~
- ~~(H) The dispenser's NABP or NCPDP registration number.~~
- ~~(I) The prescriber's U. S. DEA registration number.~~
- ~~(J) The method of payment of the prescription purchase.~~

~~3. Each dispenser shall submit the required information as required by the Prescription Monitoring Program.~~

~~(d) The program shall provide information regarding the potential inappropriate use of controlled substances and the specified noncontrolled substances to practitioners, pharmacists-in-charge and appropriate state agencies in order to prevent the inappropriate or illegal use of these controlled substances. The specific purposes of the program shall be to: be proactive in safeguarding public health and safety; support the legitimate use of controlled substances; facilitate and encourage the identification, intervention with and treatment of individuals addicted to controlled substances and specified noncontrolled drugs; identify and prevent drug diversion; provide assistance to those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.~~

~~4. (a) Except as indicated in paragraphs (b), (c), and (d) of this Section, Prescription Monitoring Information submitted to the program shall be considered Protected Health Information and not subject to public or open record laws.~~

~~(b) The program shall review the Prescription Monitoring Information. If there is reasonable cause to believe a violation of law or of occupational standards may have occurred, the program shall notify the appropriate law enforcement and/or occupational licensing, certification, or regulatory agency or entity, and provide Prescription Monitoring information required for an investigation.~~

~~(c) (i) Access to collected data shall be confidential and not subject to the provisions of the federal Freedom of Information Act or the Mississippi Open Records Act. Upon request,~~

the State Board of Pharmacy shall provide collected information to: pharmacists or practitioners who are properly registered with the State Board of Pharmacy and are authorized to prescribe or dispense controlled substances for the purpose of providing medical and pharmaceutical care for their patients; local, state and federal law enforcement officials engaged in the administration, investigation or enforcement of the laws governing illicit drug use; regulatory and licensing boards in this state; Division of Medicaid regarding Medicaid and Medicare Program recipients; judicial authorities under grand jury subpoena; an individual who requests the individual's own prescription monitoring information; and prescription monitoring programs in other states through mutual agreement adhering to State Board of Pharmacy policies.

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating the potential illegal acquisition, distribution, dispensing, prescribing or administering of the controlled and noncontrolled substances monitored by the program, subject to all legal restrictions on further dissemination of the information obtained.

~~(e) The program may provide Prescription Monitoring Information for public research, policy or education purposes, to the extent all information has been de-identified.~~

(iii) The State Board of Pharmacy may also provide generic, nonidentifying statistical data for research or educational purposes.

(iv) All pharmacists licensed in Mississippi must register to use the Prescription Monitoring Program. Pharmacists who do not register may not be able to renew their Mississippi pharmacist license.

(f) (i) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and 73-21-103.

(ii) The board may impose a monetary penalty for a person authorized to obtain prescription information and who knowingly discloses this information for misuse or purposely alters the reporting information as provided in Section 73-21-103.

~~(dg) The Board of Pharmacy and the Prescription Monitoring Program shall be immune from civil liability arising from inaccuracy of any of the information submitted to the program pursuant to this act.~~

~~5. Disciplinary action for failure to submit drug monitoring information or knowingly submitting incorrect information shall be in accordance with Section 73-21-103, paragraph (1), (d), (v) of the Pharmacy Practice Act.~~

(h) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y).

(i) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.