

ARTICLE XLVI CHARITY PHARMACY PERMITS

1. The Mississippi Board of Pharmacy may issue a charity pharmacy permit to those facilities that dispense medications to poor and underprivileged persons at no charge. Such medications must be dispensed pursuant to orders or prescriptions of practitioners authorized by law to prescribe such drugs.

2. Charity Pharmacy Permits may be issued in one of two Limited Closed Door categories.

05.3: Charity Pharmacy-may receive, maintain and dispense donated “sample” or purchased prescription medications to medically indigent residents of the State of Mississippi pursuant to a valid prescription or order. No dispensed patient specific medications may be received for re-dispensing under this permit. It is the responsibility of the charity pharmacy to determine eligibility of patients to receive medications at no cost. Controlled substances may not be donated, purchased by or transferred to a charity pharmacy under this regulation. Donated medications must be received, maintained and dispensed in accordance with Pharmacy Board Regulations.

05.4: 501(c)(3) Charity Pharmacy-may receive, maintain and dispense donated “sample” or purchased prescription medications or un-needed and unused prescription medications donated by Long Term Care (LTC) and Assisted Living Facilities (ALF) that are permitted with the Board to medically indigent residents of the State of Mississippi pursuant to a valid prescription or order in accordance with the following Regulations:

- A. A statewide program may be implemented whereby Long Term Care (LTC) and Assisted Living Facilities (ALF) that are permitted with the Mississippi Board of Pharmacy and have a consultant pharmacist may donate un-needed and unused prescription medications to a charity pharmacy holding a permit in good standing with the Board for dispensing to medically indigent residents of the State of Mississippi pursuant to a valid prescription or order. It is the responsibility of the charity pharmacy to determine eligibility of patients to receive medications at no cost. Controlled substances may not be donated or transferred by a LTC or ALF to a charity pharmacy under this regulation. Donated medications must be received, maintained and dispensed in accordance with Pharmacy Board Regulations.
- B. Long Term Care/Assisted Living Facilities, that participate in this program, must apply for and be permitted with the Mississippi Board of Pharmacy as a location to donate medications and must be in good standing with the Mississippi State Department of Health. Such facilities must comply with guidelines established by the Board for donation of medication.

- C. A charity pharmacy may accept only those prescription drugs that the Long Term Care/Assisted Living Facility has certified that the medications have been maintained and stored in such a manner as to guarantee the integrity of the product.
3. The Consultant Pharmacist for the Long Term Care/Assisted Living Facility must comply with the following guidelines regarding donation of un-needed and unused prescription medication to a charity pharmacy:
- A. A dispensed prescription is the property of the patient for whom it was prescribed regardless of who paid for the prescription. The patient or agent of the patient must authorize the donation of the un-needed or unused medications, unless the patient is deceased. Long Term Care/Assisted Living Facilities must maintain documentation of authorization for donation of medications for a period of two years.
 - B. Quality and suitability for reuse of prescription medications may be determined by verification of the following.
 - (1) That a health care professional has maintained the medications in compliance with applicable Board of Pharmacy Regulations.
 - (2) That prior to donation to the Charity pharmacy the name of the patient and any identifying information must be redacted or removed.
 - (3) That medications are not adulterated or mutilated.
 - (4) That medications have identifiable expiration dates that are more than 60 days after the date the drugs are donated to the charity pharmacy.
 - (5) That liquid medications are not acceptable for reuse or dispensing.
 - (6) That expired medications are not acceptable for reuse or dispensing.
 - (7) That controlled substances are not acceptable for donation and dispensing.
 - C. Medication Donation Forms must be completed according to following guidelines and contain pertinent information.
 - (1) Name, address, Board of Pharmacy Permit Number and name of consultant pharmacist of LTC/ALF donating the medications.
 - (2) Name, address, Pharmacy Permit Number and name of Pharmacist-In-Charge of Charity Pharmacy to whom the medications are to be donated.
 - (3) Name, strength, quantity, expiration date, and identification verification of medications to be donated.
 - (4) The consultant pharmacist of the donating entity must attest to product integrity of the donated medications.
 - (5) The Medication Donation Form must be signed and dated by the Charity Pharmacy Pharmacist Representative on receipt of donated medications.
 - (6) A copy of the Medication Donation Form must be maintained in chronological order by the donating entity as well as the receiving Charity Pharmacy for a period of two (2) years.
4. Eligibility of donated prescription drugs:

- A. Prescription drugs for donation must be packaged in the original sealed or tamper evident packaging in unit dose or blister packs as prepared by the original packager/repackager of the medication.
- B. Prior to reuse or dispensing by the Charity pharmacy, medications must be identified by a licensed Pharmacist.
- C. No adulterated, misbranded, compounded or unidentified medications may be accepted and dispensed by the Charity Pharmacy.
- D. The expiration date assigned by the original packager/repackager of the medication will become the expiration date of the donated medication.
- E. Donated prescription medications may not be sold, resold, offered for sale, traded or transferred to any other entity.
- F. Donated medications must remain in original sealed packaging until time of dispensing.
- G. Unused and un-needed donated medications may not be returned to the donating facility and must be rendered unusable and disposed of in accordance with Board of Pharmacy Regulations. Records of disposal must be maintained for a period of two (2) years and must contain the signatures of two witnesses to the destruction one of which must be a licensed pharmacist.

5. Responsibility of Charity Pharmacy Pharmacist-In-Charge regarding donated medications for dispensing:

- A. Coordinate retrieval, transportation and storage of donated unused prescription medications from authorized LTC/ALF.
- B. Assure that donated medications are identified and product integrity is guaranteed.

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 - (8) That a health care professional has maintained the medications in compliance with applicable Board of Pharmacy Regulations.
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