

**MISSISSIPPI BOARD OF PHARMACY
MINUTES
NOVEMBER 21, 2024**

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, November 21, 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, Craig Sartin–Secretary, Jillian Foster, Ryan Harper, David Hudson, and Michael Gilbow.

CONSENT AGENDA

Motion by Board Member Tony Waits, 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.

- ❖ SURRENDERS ORDERS
- Sara Carter – Tech
 - Renae Davis – Tech

RESPONDENTS

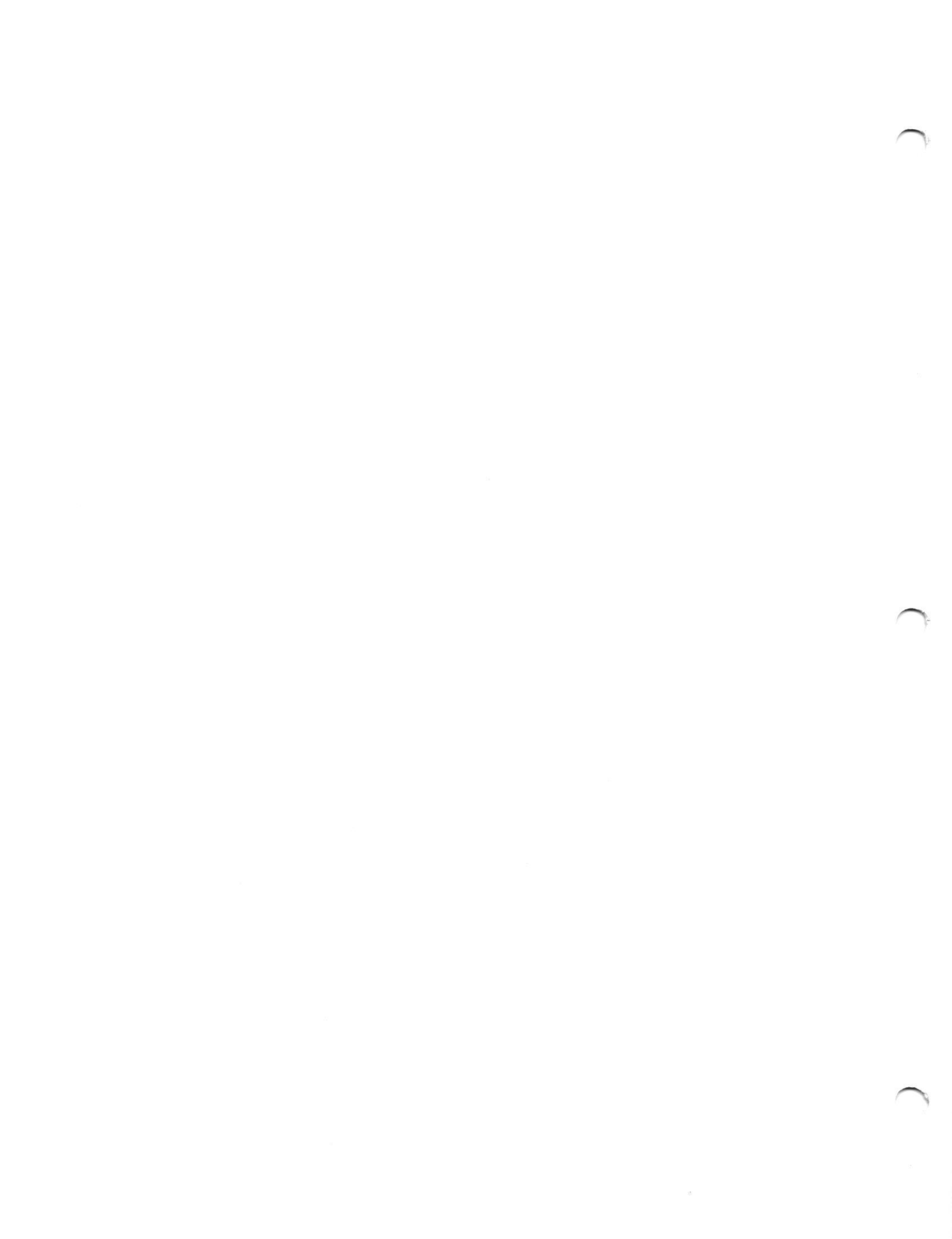
Express Scripts, License to Operate as a Pharmacy Benefit Manager, License Number 140117/14.1
After an administrative hearing on this matter, the Board approved the attached Settlement Order.

The following two administrative hearings were conducted together without objection from the Respondents.

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 Board Member David Hudson, the Board voted unanimously to go into executive session in accordance with Section 25-41-7(4)(b) for the purposes of discussing the issuance of an appealable order. 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.

Larry W. Pilcher, Sr., Pharmacist License, Certificate of Registration Number E-09600
After an administrative hearing on this matter, the Board approved the attached Order.

Heather Pilcher



After an administrative hearing on this matter, upon motion by Board Member Craig Sartin, 2nd by Board Member Tony Waits, the Board unanimously approved remanding the matter to the Investigation Review Committee for further consideration.

The following two administrative hearings were conducted together without objection from the Respondents.

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 Board Member David Hudson, the Board voted unanimously to go into executive session in accordance with Section 25-41-7(4)(b) for the purposes of discussing the issuance of an appealable order. 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.

Small Town Pharmacy, Pharmacy Permit Number 15089/1.1

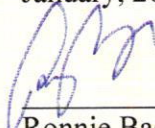
After an administrative hearing on this matter, upon motion by Board Member Ryan Harper, 2nd by Board Member Craig Sartin, the Board unanimously approved remanding the matter to the Investigation Review Committee for further consideration.

Richard Cole, Pharmacist License, Certificate of Registration Number E-07864

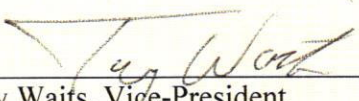
After an administrative hearing on this matter, upon motion by Board Member Ryan Harper, 2nd by Board Member Craig Sartin, the Board unanimously approved remanding the matter to the Investigation Review Committee for further consideration.

The Board adjourned at 11:39 a.m.

These November 21, 2024, MINUTES of the Board are hereby approved this the 23rd day of January, 2025.

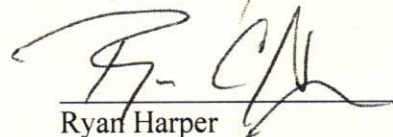


Ronnie Bagwell, President



Tony Waits, Vice-President

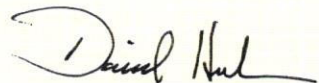
Craig Sartin, Secretary



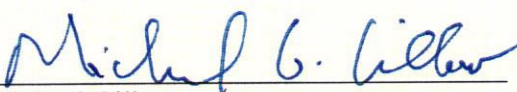
Ryan Harper



Jillian Foster



David Hudson



Michael Gilbow

Mississippi Board of Pharmacy
November 21, 2024

AGENDA

I. CALL TO ORDER/ESTABLISH A QUORUM

- PRAYER AND PLEDGE
- WELCOME AND SPECIAL INTRODUCTIONS

II. CONSENT AGENDA & WEBSITE DECLARATION

- SURRENDERS
 - Sara Carter-Tech
 - Renae Davis-Tech

III. RESPONDENTS

- | | |
|-----------------------|-----------------------|
| • Express Scripts | Respondent/Settlement |
| • Heather Pilcher | Respondent |
| • Larry Pilcher | Respondent |
| • Small Town Pharmacy | Respondent |
| • Richard T. Cole | Respondent |

Came on November 21, 2024, the matter of Sara C. Carter, Pharmacy Technician Registration Number PT-219459, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Craig Sartin and Tony Waits 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:

SARA C. CARTER
656 CR 424
HOUSTON, MISSISSIPPI 38851

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-219459
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Sara C. Carter, Pharmacy Technician Registration Number PT-219459, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Sara C. Carter, Pharmacy Technician Registration Number PT-219459, 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, Sara C. Carter, Pharmacy Technician Registration Number PT-219459, admitted in a written statement to the Board that on several different occasions during May and June of 2024, she took from Houston Family Pharmacy, Pharmacy Permit 14900/1.1, at least ninety (90) Oxycodone/Acetaminophen 10 mg - 325 mg tablets, eighty-one (81) Oxycodone/Acetaminophen 7.5 mg -325 mg tablets, a bottle of one hundred (100) Adderall 30 mg tablets, a bottle of one hundred (100) Morphine 30 mg tablets, and a bottle of Oxycodone 5 mg tablets for her own personal use. Carter surrendered her pharmacy technician registration on July 15, 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-219459, 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 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.

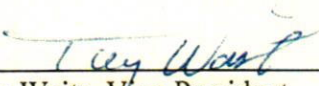
- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-219459.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-219459 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code 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 Seven Hundred Twelve Dollars and Sixty-One Cents (\$712.61).
- The total cost of investigation shall be paid by the Respondent prior to petitioning for 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.


ORDERED AND AGREED TO, this the 21st day of November 2024.



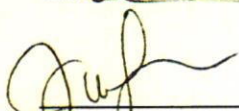
Ronnie Bagwell, President




Tony Waits, Vice-President



Craig Sartin, Secretary




Jillian Foster



Michael Gilbow



Ryan Harper



David Hudson

Came on November 21, 2024, the matter of Renae Davis, Pharmacy Technician Registration Number PT-226357, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Craig Sartin and Tony Waits 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:

RENAE DAVIS
500 DEAN STREET
WAYNESBORO, MS 39367

PHARMACY TECHNICIAN REGISTRATION NUMBER PT-226357

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Renae Davis, Pharmacy Technician Registration Number PT-226357, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Renae Davis, Pharmacy Technician Registration Number PT-226357, 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, Renae Davis, Pharmacy Technician Registration Number PT-226357, admitted in a written statement to the Board that on different occasions, she took both Oxycodone and Adderall from Wells Pharmacy, Pharmacy Permit 01741/1.1, for her personal use. Davis surrendered her pharmacy technician registration on August 6, 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-226357, 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 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.

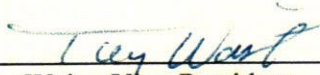
- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-226357.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-226357 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code 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 Five Hundred Fifteen Dollars and Eighty-eight Cents (\$515.88).
- The total cost of investigation shall be paid by the Respondent prior to petitioning for 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.


ORDERED AND AGREED TO, this the 21st day of November 2024.



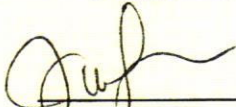
Ronnie Bagwell, President



Tony Waits, Vice-President



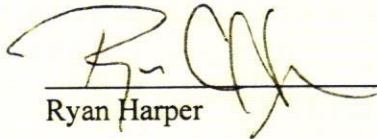
Craig Sartin, Secretary



Jillian Foster



Michael Gilbow



Ryan Harper



David Hudson

Came on November 21, 2024, the matter of Express Scripts, Pharmacy Benefit Manager Permit #140117/14.1, herein referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF

EXPRESS SCRIPTS
ONE EXPRESS WAY
MAIL STOP H2QEO3
ST LOUIS, MO 63121

LICENSE TO OPERATE A PHARMACY BENEFIT MANAGER
LICENSE NUMBER 140117/14.1

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Express Scripts, Pharmacy Benefit Manager Permit #140117/14.1, ("Respondent"), pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Express Scripts, Pharmacy Benefit Manager Permit #140117/14 1 is alleged to have committed the following violations:

Violation of Mississippi Code Annotated Section 73-21-156 (4):

- (4) A pharmacy benefit manager shall:
- (a) Provide a reasonable administrative appeal procedure to allow pharmacies to challenge a maximum allowable cost list and reimbursements made under a maximum allowable cost list for a specific drug or drugs as:
 - (i) Not meeting the requirements of this section; or
 - (ii) Being below the pharmacy acquisition cost.
 - (b) The reasonable administrative appeal procedure shall include the following:
 - (i) A dedicated telephone number, email address and website for the purpose of submitting administrative appeals;
 - (ii) The ability to submit an administrative appeal directly to the pharmacy benefit manager regarding the pharmacy benefit management plan or through a pharmacy service administrative organization; and
 - (iii) A period of less than thirty (30) business days to file an administrative appeal
 - (c) The pharmacy benefit manager shall respond to the challenge under paragraph (a) of this subsection (4) within thirty (30) business days after receipt of the challenge.
 - (d) If a challenge is made under paragraph (a) of this subsection (4), the pharmacy benefit manager shall within thirty (30) business days after receipt of the challenge either:
 - (i) If the appeal is upheld:
 - 1. Make the change in the maximum allowable cost list payment to at least the pharmacy acquisition cost;
 - 2. Permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question;

3. Provide the National Drug Code that the increase or change is based on to the pharmacy or pharmacist, and
4. Make the change under item 1 of this subparagraph (i) effective for each similarly situated pharmacy as defined by the payor subject to the maximum allowable cost list; or
 - (ii) If the appeal is denied, provide the challenging pharmacy or pharmacist the National Drug Code and the name of the national or regional pharmaceutical wholesalers operating in Mississippi that have the drug currently in stock at a price below the maximum allowable cost as listed on the maximum allowable cost list; or
 - (iii) If the National Drug Code provided by the pharmacy benefit manager is not available below the pharmacy acquisition cost from the pharmaceutical wholesaler from whom the pharmacy or pharmacist purchases the majority of prescription drugs for resale, then the pharmacy benefit manager shall adjust the maximum allowable cost as listed on the maximum allowable cost list above the challenging pharmacy's pharmacy acquisition cost and permit the pharmacy to reverse and rebill each claim affected by the inability to procure the drug at a cost that is equal to or less than the previously challenged maximum allowable cost.

Count 1: Specifically, Express Scripts, Pharmacy Benefit Manager Permit #140117/14.1, failed to comply with Mississippi Code Annotated Section 73-21-156 (4)(d)(i)(4) by approving prescription drug claim appeals filed by Mississippi pharmacies but failing to make a change in the maximum allowable cost list payment to at least the pharmacy acquisition cost for each similarly situated pharmacy as defined by the payor subject to the maximum allowable cost list when a claim appeal for a specific National Drug Code has been previously upheld or approved by the pharmacy benefit manager

Count 2: Specifically, Express Scripts, Pharmacy Benefit Manager Permit #140117/14.1, failed to comply with Mississippi Code Annotated Section 73-21-156 (4)(d)(ii) by denying prescription drug claim appeals filed by Mississippi pharmacies and not providing the challenging pharmacy or pharmacist the National Drug Code and the name of the national or regional pharmaceutical wholesalers operating in Mississippi that have the drug currently in stock at a price below the maximum allowable cost as listed on the maximum allowable cost list.

Count 3: Specifically, Express Scripts, Pharmacy Benefit Manager Permit #140117/14.1, failed to comply with Mississippi Code Annotated Section 73-21-156 (4)(d)(iii) when the National Drug Code provided by the pharmacy benefit manager is not available below the pharmacy acquisition cost from the pharmaceutical wholesaler from whom the pharmacy or pharmacist purchases the majority of prescription drugs for resale by either:

- 1 Failing to adjust the maximum allowable cost as listed on the maximum allowable cost list above the challenging pharmacy's pharmacy acquisition cost and permitting the pharmacy to reverse and rebill each claim affected by the inability to procure the drug at a cost that is equal to or less than the previously challenged maximum allowable cost, or
- 2 Resolving the appeal without providing an appeal procedure which would allow a pharmacy to notify the pharmacy benefit manager of the pharmacy's inability to procure the drug at a cost that is equal to or less than the previously challenged maximum allowable cost.

SETTLEMENT AGREEMENT

Pursuant to discussions between Board Counsel and the Respondent, being represented by counsel, an Agreement to settle this matter is found to be in the best interest of all parties involved. This settlement embodies a compromise and settlement of disputed allegations. For the purpose of avoiding expense associated with continuing administrative proceedings and/or litigation, it is hereby Agreed as follows:

FINDINGS OF FACT

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

- (1) The Respondent was properly notified of the charges by a duly processed "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges as provided for in Section 73-21-99, Mississippi Code of 1972, Annotated, and the Respondent has been afforded all due process required by law
- (2) The Respondent was subject to the jurisdiction of the Board pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated
- (3) The Respondent neither admits nor denies the violations as charged.
- (4) The Respondent and Board agree to the terms of this settlement as stated below.

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.

- (1) The Respondent shall pay each pharmacy located in Mississippi that has had claims adjudicated by the Respondent since January 2023, One Hundred Seventy Dollars (\$170.00) to alleviate some of the costs incurred by pharmacies by the appeal process. Payments shall be made within thirty (30) days of the receipt of this Order. A report of all such payments shall be sent to the Board within sixty (60) days of receipt of this Order.
- (2) The Respondent shall review all appeals filed by Mississippi pharmacies from January 1, 2023, through the date of this Order that were upheld by the Respondent and any corresponding claims reversed and rebilled pursuant to the appeal. Respondent shall take corrective actions for rebilled claims that were paid below the acquisition cost. Pharmacies should receive any reimbursements through a manual adjustment process and sufficient communication about the adjustment to allow the pharmacies to track the reimbursements to the original claims. These reimbursements shall be made within one hundred twenty (120) days from the date of this Order. The Respondent shall submit to the Board a report of this review that shall include a list of all claim appeals reviewed by the Respondent. The report shall include information that is presented in a sortable excel format and include the following fields: name of the pharmacy, address of the pharmacy, NPI of the pharmacy that filed the claim and the appeal, the prescription number, the drug name and NDC number, the BIN, the PCN, Group (if applicable), the date of the claim, the date of the claim appeal, the date the claim appeal was upheld, the date the claim was reversed and rebilled, any additional reimbursements made pursuant to the review, and if any of the claim appeals were handled by a contracted entity or on behalf of a contracted entity, the name and address of that entity for each appeal. The report shall be submitted to the Board no later than one hundred fifty (150) days from the date of this Order.
- (3) The Respondent shall review all denied appeals filed by Mississippi pharmacies from January 1, 2023, through the date of this Order and take corrective actions, for appeals filed

on claims that were paid below the acquisition cost. The Respondent shall notify the pharmacy of any additional data that is necessary to review the appeals. Pharmacies should receive any reimbursements through a manual adjustment process and sufficient communication about the adjustment to allow the pharmacies track the reimbursements to the original claims. These reimbursements shall be made within one hundred twenty (120) days from the date of this Order. The Respondent shall submit to the Board a report of this review that shall include a list of all claim appeals reviewed by the Respondent. The report shall include information that is presented in a sortable excel format and include the following fields: name of the pharmacy, address of the pharmacy, NPI of the pharmacy that filed the claim and the appeal, the prescription number, the drug name and NDC number, the BIN, the PCN, Group (if applicable), the date of the claim, the date of the claim appeal, the date the claim appeal was denied, any additional reimbursements made pursuant to the review, and if any of the claim appeals were handled by a contracted entity or on behalf of a contracted entity, the name and address of that entity for each appeal. The report shall be submitted to the Board no later than one hundred fifty (150) days from the date of this Order.

- (4) Within thirty (30) days of this Order, the Respondent shall send a notification and allow any Mississippi pharmacy to file an administrative claim appeal pursuant to Mississippi Code Annotated Section 73-21-156(4) for any claim that has not already been appealed, which has been adjudicated by, or on behalf of, Respondent for the period of January 1, 2023, to the date of this Order. The notification shall explain that claims under federal plans (i.e., Medicare, Tricare, etc.), Mississippi Medicaid claims and Mississippi State Health Plan claims are not subject to appeal and include the BINs, and PCNs that are subject to appeals. Pharmacies shall have one hundred fifty (150) days from the date of this Order to file such appeals, and Respondent shall have sixty (60) days from receipt of the appeal to uphold or deny any such administrative appeals filed. In lieu of filing an appeal for every claim that was reimbursed below the pharmacy acquisition cost, the Respondent shall allow any Mississippi pharmacy to file a claim appeal report with the Respondent utilizing the procedures outlined in Attachment A.
- (5) The Respondent shall file quarterly reports with the Board that include information regarding claim appeals filed by or on behalf of Mississippi pharmacies. These quarterly reports shall be filed with the Board by the last working day of the month subsequent to the close of the quarter for one (1) year following the date of this Order and shall include all claim appeals handled by the Respondent or on behalf of the Respondent for the prior quarter. The information should be presented in a sortable excel format and include the following fields: name of the pharmacy, address of the pharmacy, NPI of the pharmacy that filed the claim and the appeal, the prescription number, the drug name and NDC number, the BIN, the PCN, Group (if applicable), the date of the claim, the date of the claim appeal, the date the claim appeal was denied or approved, the result of the appeal, and if the appeal was denied, the reason for denying the claim, and if any of the claim appeals were handled by a contracted entity, the name and address of that entity for each appeal.

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

Stephen Smith
Representative for Express Scripts

Subscribed and Sworn to me, in my presence, this 21st day of November, 2024

LYNTHIA CHRISTINE ROBERTS
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: May 24, 2026
Commission #22123711

Lynthia Christine Roberts
NOTARY PUBLIC

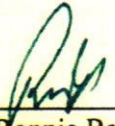
ATTACHMENT A

CLAIM APPEAL REPORT

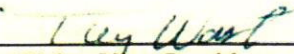
The claim appeal report shall contain pharmacy NCPDP, Rx number, NDC, date of service of the claim, amount paid on the claim, the acquisition cost as reflected on the wholesaler invoice and the difference between the acquisition cost and the amount paid on the claim. The Respondent shall notify the pharmacy of any additional data that is necessary to review the appeals. The claim appeal report shall be limited to claims that were adjudicated by, or on behalf of, Respondent for the period of January 1, 2023, to the date of this Order but shall not include claims under federal plans (i.e., Medicare, Tricare, etc.), Mississippi Medicaid claims and Mississippi State Health Plan claims. Pharmacies shall have sixty (60) days from the date of this Order to file a claim appeal report, and the Respondent shall have ninety (90) days from receipt of the claim appeal report to review and make any reimbursement adjustments. The Respondent shall provide a report to the pharmacy detailing the reimbursement adjustments and any claim appeals that are denied, including the reason for denial.

The Respondent may request the pharmacy verify the acquisition cost of no more than ten percent (10%) of the claims on the claim appeal report with wholesale invoices. If the invoices reveal substantial inaccuracies of the acquisition cost in the claim appeal report, the Respondent shall notify the Board with details of the inaccuracies in the claim appeal report and justify the substantial materiality of the inaccuracies. Upon a finding of substantial inaccuracies by the Respondent, the claim appeal report shall be disallowed, and the pharmacy shall be allowed to file each individual appeal as provided under paragraph four (4) in the final Order of the Board. The pharmacy shall have one hundred fifty (150) days from the rejection of the claim appeal report to file such appeals.


ORDERED AND AGREED TO, this the 21st day of November 2024.



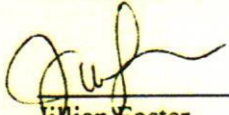
Ronnie Bagwell, President



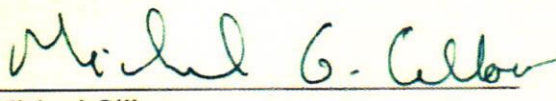
Tony Waits, Vice-President



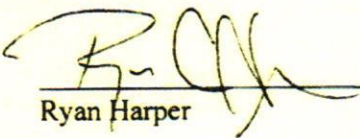
Craig Sartin, Secretary



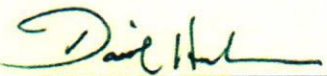
Jillian Foster



Michael Gilbow



Ryan Harper



David Hudson

Came on November 21, 2024, the matter of Larry W. Pilcher, Sr., Pharmacist License, Certificate of Registration Number E-09600, 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 Mike Gilbow served on the Investigative Review Committee and did not participate in this hearing.

MISSISSIPPI BOARD OF PHARMACY

IN THE MATTER OF:

LARRY W. PILCHER, SR.
1046 OLD HWY 49 S
RICHLAND, MS 39218

PHARMACIST LICENSE TO PRACTICE PHARMACY NUMBER E-09600 JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Larry W. Pilcher, Sr., Pharmacist License, Certificate of Registration Number E-09600, pursuant to Section 73-21-83, Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Larry W. Pilcher, Sr., Pharmacist License, Certificate of Registration Number E-09600, 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, an investigation by the Compliance Division of the Mississippi Board of Pharmacy (Board) revealed that Sky Givens, Heather Pilcher and Gabriel Ross had performed pharmacy technician duties without having a valid pharmacy technician registration issued by the Board. Larry W. Pilcher, Sr., Pharmacist License, Certificate of Registration Number E-09600, is the Pharmacist-in-Charge and is responsible for assuring that all personnel are properly registered with the Board.

Count 2:

Mississippi Pharmacy Practice Regulations, Article VII Responsibility of Pharmacist-in-Charge (PIC), Paragraph 5. C:

5. On the premises where a pharmacy is maintained in conjunction with other services or business activities, the pharmacy shall be physically secured from such other services or activities during those times a pharmacist is not present and the pharmacy is not open, and other services or activities are being provided on the premises.
- C. The pharmacist-in-charge shall be responsible for adequate security being maintained on drugs in all areas of the permitted facility at all times and is responsible for reporting any loss or suspected loss of controlled substances or legend drugs directly to the Board immediately (this does not relieve any pharmacist who discovers a loss from the requirement of reporting the loss directly to the Board).

Specifically, an investigation by the Compliance Division of the Mississippi Board of Pharmacy revealed that adequate security was not being maintained on the drugs in the pharmacy since some of the pharmacy technicians had keys to the pharmacy and were accessing the pharmacy without a pharmacist present. Larry W. Pilcher, Sr., Pharmacist License, Certificate of Registration Number E-09600, is the Pharmacist-in-Charge and is responsible for adequate security of all drugs in the pharmacy.

Count 3:

Mississippi Pharmacy Practice Regulations, Article VIII Responsibility of Pharmacist/Pharmacist Care, Paragraph 1. C. (2):

1. In the dispensing of drugs, the pharmacist shall have the following responsibilities:
 - C. In the dispensing of medications for ambulatory (or outpatients):
 - (1) The pharmacist shall be responsible for all activities of the pharmacy technician in the preparation of the drug for delivery to the patient;
 - (2) The pharmacist shall be present and personally supervising the activities of the pharmacy technician at all times;
 - (3) When a data processor or computerized order entry system is used, pharmacy technicians may enter information into the database and prepare labels, but it shall be the responsibility of the pharmacist to verify the accuracy of the information entered and the prescription information produced;
 - (4) When refilling a prescription, it shall be the responsibility of the pharmacist to make the determination whether or not to refill the prescription;
 - (5) A pharmacist shall not actively supervise more than three pharmacy technicians at one time. Externs/Interns are not included in this quota calculation;
 - (6) Pharmacy Technicians in the dispensing area shall be readily identifiable.

Specifically, an investigation by the Compliance Division of the Mississippi Board of Pharmacy revealed that pharmacy technicians were performing pharmacy technician duties without a pharmacist present and personally supervising the activities of the pharmacy technician on July 24, 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 License to Practice Pharmacy by the Board, Certificate of Registration Number E-09600, 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 in the office of the Board.

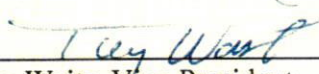
- Pursuant to Section 73-21-103 (1)(c), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-09600 is on probation for two (2) years.
- Pursuant to Section 73-21-103 (1)(c), Mississippi Code of 1972, Annotated, License to Practice Pharmacy, Certificate of Registration Number E-09600 is restricted from being a pharmacist in charge for a pharmacy during the two (2) year probationary period.
- Pursuant to Mississippi Code Annotated Section 73-21-103 (1)(d)(i), Respondent shall pay a monetary penalty in the amount of One Thousand Dollars (\$1,000.00) for the first charge.
- Pursuant to Mississippi Code Annotated Section 73-21-103 (1)(d)(ii), Respondent shall pay a monetary penalty in the amount of Two Thousand Dollars (\$2,000.00) for the second charge and a monetary penalty of Two Thousand Dollars (\$2,000.00) for the third charge.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall petition the Board to lift the probation and restriction of his license.
- 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 Three Hundred Eighty-four Dollars and Twenty-seven Cents (\$384.27).
- The total monetary penalty of Five Thousand One Hundred Dollars (\$5,384.27) 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.


ORDERED AND AGREED TO, this the 21st day of November 2024.



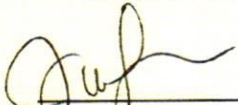
Ronnie Bagwell, President




Tony Waits, Vice-President



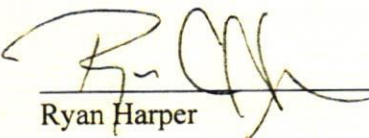
Craig Sartin, Secretary



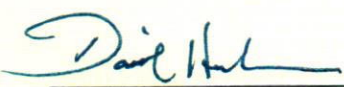
Jillian Foster



Michael Gilbow



Ryan Harper



David Hudson