

By: Senator(s) Clarke, Hopson, Branning,
Jackson (11th), Jackson (32nd), Younger

To: Appropriations

SENATE BILL NO. 2973

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE
2 EXPENSES OF THE MISSISSIPPI STATE BOARD OF PHARMACY FOR FISCAL
3 YEAR 2019.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 Treasury to the credit of the Mississippi State Board of Pharmacy,
8 for the purpose of defraying the expenses incurred by said board
9 for the fiscal year beginning July 1, 2018, and ending

10 June 30, 2019.....\$ 3,034,911.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 this act, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	17
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0



18 With the funds herein appropriated, it shall be the agency's
19 responsibility to make certain that funds required to be
20 appropriated for "Personal Services" for Fiscal Year 2020 do not
21 exceed Fiscal Year 2019 funds appropriated for that purpose,
22 unless programs or positions are added to the agency's Fiscal Year
23 2019 budget by the Mississippi Legislature. Based on data
24 provided by the Legislative Budget Office, the State Personnel
25 Board shall determine and publish the projected annual cost to
26 fully fund all appropriated positions in compliance with the
27 provisions of this act. It shall be the responsibility of the
28 agency head to ensure that no single personnel action increases
29 this projected annual cost and/or the Fiscal Year 2019
30 appropriations for "Personal Services" when annualized, with the
31 exception of escalated funds and the award of benchmarks. If, at
32 the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2019 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

40 Any transfers or escalations shall be made in accordance with
41 the terms, conditions and procedures established by law or
42 allowable under the terms set forth within this act. The State



43 Personnel Board shall not escalate positions without written
44 approval from the Department of Finance and Administration. The
45 Department of Finance and Administration shall not provide written
46 approval to escalate any funds for salaries and/or positions
47 without proof of availability of new or additional funds above the
48 appropriated level.

49 No general funds authorized to be expended herein shall be
50 used to replace federal funds and/or other special funds which are
51 being used for salaries authorized under the provisions of this
52 act and which are withdrawn and no longer available.

53 None of the funds herein appropriated shall be used in
54 violation of Internal Revenue Service's Publication 15-A relating
55 to the reporting of income paid to contract employees, as
56 interpreted by the Office of the State Auditor.

57 **SECTION 3.** In compliance with the "Mississippi Performance
58 Budget and Strategic Planning Act of 1994," it is the intent of
59 the Legislature that the funds provided herein shall be utilized
60 in the most efficient and effective manner possible to achieve the
61 intended mission of this agency. Based on the funding authorized,
62 this agency shall make every effort to attain the targeted
63 performance measures provided below:

64		FY2019
65	<u>Performance Measures</u>	<u>Target</u>
66	Licensure	
67	New Licenses Issued Within Ten Business	



68	Days (%)	100.00
69	Renewals Issued Within Two Business	
70	Days (%)	100.00
71	Compliance	
72	Number of Written Complaints Received	40
73	Written Complaints Resolved Within Six	
74	Months (%)	90.00
75	Investigations Conducted due to the	
76	Diversion of Prescription Drugs, Impaired	18
77	Pharmacists and Pharmacy Technicians	30
78	Recidivism Rate for Those Receiving	
79	Disciplinary Actions (% avg of 3 yrs)	15.00
80	Prescription Monitoring Prg	
81	In-State Physicians Registered to PMP (%)	99.00
82	Licensed APRNs Registered to PMP (%)	95.00
83	Pharmacists Registered to PMP (%)	95.00

84 A reporting of the degree to which the performance targets
85 set above have been or are being achieved shall be provided in the
86 agency's budget request submitted to the Joint Legislative Budget
87 Committee for Fiscal Year 2020.

88 **SECTION 4.** It is the intention of the Legislature that
89 whenever two (2) or more bids are received by this agency for the
90 purchase of commodities or equipment, and whenever all things
91 stated in such received bids are equal with respect to price,
92 quality and service, the Mississippi Industries for the Blind



93 shall be given preference. A similar preference shall be given to
94 the Mississippi Industries for the Blind whenever purchases are
95 made without competitive bids.

96 **SECTION 5.** It is the intention of the Legislature that this
97 agency shall have the authority to expend funds from any source
98 that may become available to the agency in accordance with the
99 rules and regulations of the Department of Finance and
100 Administration in a manner consistent with the escalation of
101 federal funds for the purpose of funding any increase in health
102 insurance costs for Fiscal Year 2019, or for the purpose of
103 funding additional fees, costs or assessments received by the
104 agency from the Department of Information Technology Services or
105 the Department of Finance and Administration for Fiscal Year 2019
106 that may be incurred by the agency as a result of legislation
107 passed during the 2018 Regular Session of the Legislature and
108 approved by the Governor. The agency is authorized to escalate
109 other special funds for the limited purposes provided in this
110 section in an amount not to exceed Fifty-seven Thousand Seven
111 Hundred Eighty-five Dollars (\$57,785.00).

112 **SECTION 6.** It is the intention of the Legislature that the
113 Board of Pharmacy shall maintain complete accounting and personnel
114 records related to the expenditure of all funds appropriated under
115 this act and that such records shall be in the same format and
116 level of detail as maintained for Fiscal Year 2018. It is further
117 the intention of the Legislature that the agency's budget request



118 for Fiscal Year 2020 shall be submitted to the Joint Legislative
119 Budget Committee in a format and level of detail comparable to the
120 format and level of detail provided during the Fiscal Year 2019
121 budget request process.

122 **SECTION 7.** It is the intention of the Legislature that the
123 funds herein appropriated shall be expended in compliance with
124 Section 27-104-25, Mississippi Code of 1972, that no state agency
125 shall incur obligations or indebtedness in excess of their
126 appropriation and that the responsible officers, either personally
127 or upon their official bonds, shall be held responsible for
128 actions contrary to this provision.

129 **SECTION 8.** The money herein appropriated shall be paid by
130 the State Treasurer out of any money in the State Treasury to the
131 credit of the proper fund or funds as set forth in this act, upon
132 warrants issued by the State Fiscal Officer; and the State Fiscal
133 Officer shall issue his warrants upon requisitions signed by the
134 proper person, officer or officers in the manner provided by law.

135 **SECTION 9.** In accordance with Section 73-27-127(h),
136 Mississippi Code of 1972, the Mississippi Board of Pharmacy may
137 accept and expend funds from any other state agency to defray the
138 expenses of the Prescription Monitoring Program.

139 **SECTION 10.** This act shall take effect and be in force from
140 and after July 1, 2018.

