

By: Senator(s) Hopson, Polk, Butler, Hill,
Jackson (11th), Suber

To: Appropriations

SENATE BILL NO. 2933
(As Sent to Governor)

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 2022.

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, 2021, and ending
10 June 30, 2022 \$ 3,405,392.00.

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	18
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 2023 do not
21 exceed Fiscal Year 2022 funds appropriated for that purpose unless
22 programs or positions are added to the agency's Fiscal Year 2022
23 budget by the Mississippi Legislature. Based on data provided by
24 the Legislative Budget Office, the State Personnel Board shall
25 determine and publish the projected annual cost to fully fund all
26 appropriated positions in compliance with the provisions of this
27 act. Absent a special situation or circumstance approved by the
28 State Personnel Board, or unless otherwise authorized by this act,
29 no state agency shall take any action to promote or otherwise
30 award salary increases through reallocation or realignment. If
31 the State Personnel Board determines a special situation or
32 circumstance exists and approves an action, then the agency and
33 the State Personnel Board shall provide a monthly report of each
34 action approved by the State Personnel Board to the Chairmen of
35 the Accountability, Efficiency and Transparency Committees of the
36 Senate and House of Representatives and the Chairmen of the
37 Appropriations Committees of the Senate and House of
38 Representatives. It shall be the responsibility of the agency
39 head to ensure that no single personnel action increases this
40 projected annual cost and/or the Fiscal Year 2022 appropriations
41 for "Personal Services" when annualized, with the exception of
42 escalated funds and the award of benchmarks. If, at the time the



43 agency takes any action to change "Personal Services," the State
44 Personnel Board determines that the agency has taken an action
45 which would cause the agency to exceed this projected annual cost
46 or the Fiscal Year 2022 "Personal Services" appropriated level,
47 when annualized, then only those actions which reduce the
48 projected annual cost and/or the appropriation requirement will be
49 processed by the State Personnel Board until such time as the
50 requirements of this provision are met.

51 Any transfers or escalations shall be made in accordance with
52 the terms, conditions and procedures established by law or
53 allowable under the terms set forth within this act. The State
54 Personnel Board shall not escalate positions without written
55 approval from the Department of Finance and Administration. The
56 Department of Finance and Administration shall not provide written
57 approval to escalate any funds for salaries and/or positions
58 without proof of availability of new or additional funds above the
59 appropriated level.

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

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



68 **SECTION 3.** In compliance with the "Mississippi Performance
69 Budget and Strategic Planning Act of 1994," it is the intent of
70 the Legislature that the funds provided herein shall be utilized
71 in the most efficient and effective manner possible to achieve the
72 intended mission of this agency. Based on the funding authorized,
73 this agency shall make every effort to attain the targeted
74 performance measures provided below:

75		FY2022
76	<u>Performance Measures</u>	<u>Target</u>
77	Licensure	
78	Licenses Issued within 10 Business Days (%)	100.00
79	Renewals Issued within 2 Business Days (%)	100.00
80	Compliance	
81	Written Complaints Received (Number of)	39
82	Written Complaints Resolved Within Six	
83	Months (%)	100.00
84	Investigations Conducted due to the	
85	Diversion of Prescription Drugs,	
86	Impaired (Number of)	20
87	Investigations Conducted due to the	
88	Pharmacists and Pharmacy Technicians	
89	(Number of)	20
90	Recidivism Rate for Those Receiving	
91	Disciplinary Actions (% Avg of 3 years)	24.00
92	Prescription Monitoring Prg	



93	In-State Physicians Registered to PMP (%)	100.00
94	Licensed APRNs Registered to PMP (%)	100.00
95	Pharmacists Registered to PMP (%)	100.00

96 A reporting of the degree to which the performance targets
97 set above have been or are being achieved shall be provided in the
98 agency's budget request submitted to the Joint Legislative Budget
99 Committee for Fiscal Year 2023.

100 **SECTION 4.** It is the intention of the Legislature that
101 whenever two (2) or more bids are received by this agency for the
102 purchase of commodities or equipment, and whenever all things
103 stated in such received bids are equal with respect to price,
104 quality and service, the Mississippi Industries for the Blind
105 shall be given preference. A similar preference shall be given to
106 the Mississippi Industries for the Blind whenever purchases are
107 made without competitive bids.

108 **SECTION 5.** It is the intention of the Legislature that the
109 Board of Pharmacy shall maintain complete accounting and personnel
110 records related to the expenditure of all funds appropriated under
111 this act and that such records shall be in the same format and
112 level of detail as maintained for Fiscal Year 2021. It is further
113 the intention of the Legislature that the agency's budget request
114 for Fiscal Year 2023 shall be submitted to the Joint Legislative
115 Budget Committee in a format and level of detail comparable to the
116 format and level of detail provided during the Fiscal Year 2022
117 budget request process.



118 **SECTION 6.** It is the intention of the Legislature that the
119 funds herein appropriated shall be expended in compliance with
120 Section 27-104-25, Mississippi Code of 1972, that no state agency
121 shall incur obligations or indebtedness in excess of their
122 appropriation and that the responsible officers, either personally
123 or upon their official bonds, shall be held responsible for
124 actions contrary to this provision.

125 **SECTION 7.** The money herein appropriated shall be paid by
126 the State Treasurer out of any money in the State Treasury to the
127 credit of the proper fund or funds as set forth in this act, upon
128 warrants issued by the State Fiscal Officer; and the State Fiscal
129 Officer shall issue his warrants upon requisitions signed by the
130 proper person, officer or officers in the manner provided by law.

131 **SECTION 8.** In accordance with Section 73-21-127(h),
132 Mississippi Code of 1972, the Mississippi Board of Pharmacy may
133 accept and expend funds from any other state agency to defray the
134 expenses of the Prescription Monitoring Program.

135 **SECTION 9.** This act shall take effect and be in force from
136 and after July 1, 2021.

