

By: Representative Yancey

To: Drug Policy

HOUSE BILL NO. 1091

1 AN ACT TO CREATE NEW SECTION 73-21-221, MISSISSIPPI CODE OF
 2 1972, TO AUTHORIZE PHARMACIES TO PERFORM CENTRALIZED PRESCRIPTION
 3 FILLING FOR OTHER PHARMACIES, PROVIDED THAT THE PHARMACIES HAVE
 4 THE SAME OWNER OR HAVE A WRITTEN CONTRACT SPECIFYING THE SERVICES
 5 TO BE PROVIDED BY EACH PHARMACY, THE RESPONSIBILITIES OF EACH
 6 PHARMACY, AND THE MANNER IN WHICH THE PHARMACIES WILL COMPLY WITH
 7 FEDERAL AND STATE LAWS, RULES AND REGULATIONS; TO REQUIRE
 8 PHARMACIES PERFORMING OR CONTRACTING FOR THE PERFORMANCE OF
 9 CENTRALIZED PRESCRIPTION FILLING TO MAINTAIN A POLICY AND
 10 PROCEDURES MANUAL, WHICH SHALL INCLUDE CERTAIN INFORMATION; TO
 11 CREATE NEW SECTION 73-21-223, MISSISSIPPI CODE OF 1972, TO ALLOW
 12 THE DISPENSING BY A PHARMACIST LICENSED IN THIS STATE OR ANOTHER
 13 STATE OF A PRESCRIPTION CONTAINED IN A COMMON DATABASE, IF CERTAIN
 14 CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** The following shall be codified as Section
 17 73-21-221, Mississippi Code of 1972:

18 73-21-221. (1) A pharmacy licensed under this chapter may
 19 perform centralized prescription filling for another pharmacy,
 20 provided that the pharmacies have the same owner or have a written
 21 contract specifying the services to be provided by each pharmacy,
 22 the responsibilities of each pharmacy, and the manner in which the
 23 pharmacies will comply with federal and state laws, rules and
 24 regulations.



25 (2) Each pharmacy performing or contracting for the
26 performance of centralized prescription filling pursuant to this
27 section must maintain a policy and procedures manual, which shall
28 be made available to the board or its agent upon request. The
29 policy and procedures manual shall include the following
30 information:

31 (a) A description of how each pharmacy will comply with
32 federal and state laws, rules, and regulations;

33 (b) The procedure for maintaining appropriate records
34 to identify the pharmacist responsible for dispensing the
35 prescription and counseling the patient;

36 (c) The procedure for tracking the prescription during
37 each stage of the filling and dispensing process;

38 (d) The procedure for identifying on the prescription
39 label all pharmacies involved in filling and dispensing the
40 prescription;

41 (e) The policy and procedure for providing adequate
42 security to protect the confidentiality and integrity of patient
43 information; and

44 (f) The procedure to be used by the pharmacy in
45 implementing and operating a quality assurance program designed to
46 objectively and systematically monitor, evaluate, and improve the
47 quality and appropriateness of patient care.

48 (3) The filling, delivery, and return of a prescription by
49 one pharmacy for another pursuant to this section shall not be



50 construed as the filling of a transferred prescription or as a
51 wholesale distribution.

52 (4) The board shall adopt rules pursuant as necessary to
53 implement this section.

54 **SECTION 2.** The following shall be codified as Section 223,
55 Mississippi Code of 1972:

56 73-21-223. (1) Nothing in this chapter shall be construed
57 to prohibit the dispensing by a pharmacist licensed in this state
58 or another state of a prescription contained in a common database,
59 and such dispensing shall not constitute a transfer, provided that
60 the following conditions are met:

61 (a) All pharmacies involved in the transactions
62 pursuant to which the prescription is dispensed are under common
63 ownership and use a common database;

64 (b) All pharmacies involved in the transactions
65 pursuant to which the prescription is dispensed and all
66 pharmacists engaging in dispensing functions are properly
67 licensed, permitted or registered in this state or another state;

68 (c) The common database maintains a record of all
69 pharmacists involved in the process of dispensing a prescription;

70 (d) The owner of the common database maintains a policy
71 and procedures manual that governs its participating pharmacies,
72 pharmacists and pharmacy employees and that is available to the
73 board or its agent upon request. The policy and procedures manual
74 shall include the following information:



75 (i) A best practices model detailing how each
76 pharmacy and each pharmacist accessing the common database will
77 comply with applicable federal and state laws, rules and
78 regulations;

79 (ii) The procedure for maintaining appropriate
80 records for regulatory oversight for tracking a prescription
81 during each stage of the filling and dispensing process,
82 identifying the pharmacists involved in filling and dispensing the
83 prescription and counseling the patient, and responding to any
84 requests for information made by the board;

85 (c) The policy and procedure for providing
86 adequate security to protect the confidentiality and integrity of
87 patient information; and

88 (d) A quality assurance program designed to
89 objectively and systematically monitor, evaluate, and improve the
90 quality and appropriateness of patient care through the use of the
91 common database.

92 (2) Any pharmacist dispensing a prescription has at all
93 times the right and obligation to exercise his or her independent
94 professional judgment.

95 (3) Notwithstanding other provisions in this section, no
96 pharmacist licensed in this state participating in the dispensing
97 of a prescription pursuant to this section shall be responsible
98 for the acts and omissions of another person participating in the



99 dispensing process, provided such person is not under the direct
100 supervision and control of the pharmacist licensed in this state.

101 **SECTION 3.** This act shall take effect and be in force from
102 and after July 1, 2022.

