

By: Senator(s) Hopson, Polk, Butler (36th), Hill, Jackson, Suber

To: Appropriations

SENATE BILL NO. 3034

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 2023.

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, 2022, and ending

10 June 30, 2023 \$ 3,339,575.00.

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 for "Personal
20 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023
21 funds appropriated for that purpose unless programs or positions
22 are added to the agency's Fiscal Year 2023 budget by the
23 Mississippi Legislature. The Legislature shall determine the
24 agency's personal services appropriation, which shall be published
25 by the State Personnel Board. Additionally, the State Personnel
26 Board shall determine and publish the projected annualized payroll
27 costs based on current employees. It shall be the responsibility
28 of the agency head to ensure that actual personnel expenditures
29 for Fiscal Year 2023 do not exceed the data provided by the
30 Legislative Budget Office. If the agency's Fiscal Year 2023
31 projected cost exceeds the annualized costs, no salary actions
32 shall be processed by the State Personnel Board with the exception
33 of new hires that are determined to be essential for the agency.

34 Any transfers or escalations shall be made in accordance with
35 the terms, conditions and procedures established by law or
36 allowable under the terms set forth within this act. The State
37 Personnel Board shall not escalate positions without written
38 approval from the Department of Finance and Administration. The
39 Department of Finance and Administration shall not provide written
40 approval to escalate any funds for salaries and/or positions
41 without proof of availability of new or additional funds above the
42 appropriated level.



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46 act and which are withdrawn and no longer available.

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

51 Funds have been appropriated herein for the purpose of
52 funding Project SEC2 minimum salaries for all employees covered
53 under the Colonel Guy Groff/Neville Kenning Variable Compensation
54 Plan. It shall be the agency's responsibility to ensure that the
55 funds are used to increase all employees' salaries up to the
56 minimum level as determined by the State Personnel Board.

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		FY2023
65	<u>Performance Measures</u>	<u>Target</u>
66	Licensure	
67	Percent of Licenses Issued within Ten	



68	Business Days	100.00
69	Percent of Renewals Issued within Two	
70	Business Days	100.00
71	Compliance	
72	Number of Written Complaints Received	45
73	Percent of Written Complaints Resolved	
74	within Six Months	100.00
75	Number of Investigations Conducted Due	
76	to the Diversion of Prescription Drugs,	
77	Impaired	16
78	Number of Investigations Conducted Due	
79	to the Pharmacists & Pharmacy	
80	Technicians	28
81	Recidivism Rate for Those Receiving	
82	Disciplinary Actions (% Avg of Three	
83	Years)	20.00
84	Prescription Monitoring Prg	
85	Percent of In-State Physicians	
86	Registered to PMP	100.00
87	Percent of Licensed APRNs Registered to PMP	100.00
88	Percent of Pharmacists Registered to PMP	100.00
89	A reporting of the degree to which the performance targets	
90	set above have been or are being achieved shall be provided in the	
91	agency's budget request submitted to the Joint Legislative Budget	
92	Committee for Fiscal Year 2024.	



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

101 **SECTION 5.** It is the intention of the Legislature that the
102 Board of Pharmacy shall maintain complete accounting and personnel
103 records related to the expenditure of all funds appropriated under
104 this act and that such records shall be in the same format and
105 level of detail as maintained for Fiscal Year 2022. It is further
106 the intention of the Legislature that the agency's budget request
107 for Fiscal Year 2024 shall be submitted to the Joint Legislative
108 Budget Committee in a format and level of detail comparable to the
109 format and level of detail provided during the Fiscal Year 2023
110 budget request process.

111 **SECTION 6.** It is the intention of the Legislature that the
112 funds herein appropriated shall be expended in compliance with
113 Section 27-104-25, Mississippi Code of 1972, that no state agency
114 shall incur obligations or indebtedness in excess of their
115 appropriation and that the responsible officers, either personally
116 or upon their official bonds, shall be held responsible for
117 actions contrary to this provision.



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

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

128 **SECTION 9.** This act shall take effect and be in force from
129 and after July 1, 2022, and shall stand repealed from and after
130 June 30, 2022.

