

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

To: Appropriations

SENATE BILL NO. 3032
(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 2024.

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, 2023, and ending
10 June 30, 2024.....\$ 4,223,072.00.

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

13 AUTHORIZED POSITIONS:

14 Permanent: 20

15 Time-Limited: 0

16 With the funds herein appropriated, it shall be the agency's
17 responsibility to make certain that funds required for Personal
18 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds



19 appropriated for that purpose unless programs or positions are
20 added to the agency's Fiscal Year 2024 budget by the Mississippi
21 Legislature. The Legislature shall determine the agency's
22 personal services appropriation, which the State Personnel Board
23 shall publish. The agency's personal services appropriation may
24 consist of restricted funds for approved vacancies for Fiscal Year
25 2024 that may not be utilized for active Fiscal Year 2023
26 headcount. It shall be the agency's responsibility to ensure that
27 the funds provided for vacancies are used to increase headcount
28 and not for promotions, title changes, in-range salary adjustments
29 or any other mechanism for increasing salaries for current
30 employees. It is the Legislature's intention that no employee
31 salary falls below the minimum salary established by the
32 Mississippi State Personnel Board.

33 Additionally, the State Personnel Board shall determine and
34 publish the projected annualized payroll costs based on current
35 employees. It shall be the responsibility of the agency head to
36 ensure that actual personnel expenditures for Fiscal Year 2024 do
37 not exceed the data provided by the Legislative Budget Office. If
38 the agency's Fiscal Year 2024 projected cost exceeds the
39 annualized costs, no salary actions shall be processed by the
40 State Personnel Board except for new hires determined to be
41 essential for the agency.

42 Any transfers or escalations shall be made in accordance with
43 the terms, conditions, and procedures established by law or



44 allowable under the terms set forth within this act. The State
45 Personnel Board shall not escalate positions without written
46 approval from the Department of Finance and Administration. The
47 Department of Finance and Administration shall not provide written
48 approval to escalate any funds for salaries and/or positions
49 without proof of availability of new or additional funds above the
50 appropriated level.

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

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

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

66		FY2024
67	<u>Performance Measures</u>	<u>Target</u>
68	Licensure	



69	Percent of Licenses Issued within Ten	
70	Business Days	100.00
71	Percent of Renewals Issued within Two	
72	Business Days	100.00
73	Compliance	
74	Number of Written Complaints Received	80
75	Percent of Written Complaints Resolved	
76	within Six Months	100.00
77	Number of Investigations Conducted Due	
78	to the Diversion of Prescription Drugs,	
79	Impaired	16
80	Number of Investigations Conducted Due	
81	to the Pharmacists and Pharmacy	
82	Technicians	28
83	Recidivism Rate for Those Receiving	
84	Disciplinary Actions	20.00
85	Prescription Monitoring Prg	
86	Percent of In-State Physicians	
87	Registered to PMP	100.00
88	Percent of Licensed APRNs Registered to PMP	100.00
89	Percent of Pharmacists Registered to PMP	100.00
90	A reporting of the degree to which the performance targets	
91	set above have been or are being achieved shall be provided in the	
92	agency's budget request submitted to the Joint Legislative Budget	
93	Committee for Fiscal Year 2025.	



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

102 **SECTION 5.** It is the intention of the Legislature that the
103 Board of Pharmacy shall maintain complete accounting and personnel
104 records related to the expenditure of all funds appropriated under
105 this act and that such records shall be in the same format and
106 level of detail as maintained for Fiscal Year 2023. It is further
107 the intention of the Legislature that the agency's budget request
108 for Fiscal Year 2025 shall be submitted to the Joint Legislative
109 Budget Committee in a format and level of detail comparable to the
110 format and level of detail provided during the Fiscal Year 2024
111 budget request process.

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



119 **SECTION 7.** Of the funds appropriated in Section 1, the Board
120 of Pharmacy shall have the authority to expend Three Hundred
121 Thousand Dollars (\$300,000.00) for the costs related to the
122 relocation and furnishing of their office.

123 **SECTION 8.** In accordance with the Pharmacy Benefit Prompt
124 Pay Act, Sections 73-21-151 through 73-21-163, Mississippi Code of
125 1972, the Mississippi Board of Pharmacy may escalate the
126 appropriate funds not to exceed Five Hundred Thousand Dollars
127 (\$500,000.00) of its budget during the fiscal year for the
128 purposes of conducting compliance examinations and regulatory
129 oversight as authorized by the act.

130 **SECTION 9.** In accordance with Section 73-21-127(h),
131 Mississippi Code of 1972, the Mississippi Board of Pharmacy may
132 accept and expend funds from any other state agency to defray the
133 expenses of the Prescription Monitoring Program.

134 **SECTION 10.** The money herein appropriated shall be paid by
135 the State Treasurer out of any money in the State Treasury to the
136 credit of the proper fund or funds as set forth in this act, upon
137 warrants issued by the State Fiscal Officer; and the State Fiscal
138 Officer shall issue his warrants upon requisitions signed by the
139 proper person, officer or officers in the manner provided by law.

140 **SECTION 11.** This act shall take effect and be in force from
141 and after July 1, 2023.

