

House Amendments to Senate Bill No. 3032

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.....\$ 3,880,067.00.

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 shall be published by the
23 State Personnel Board. Additionally, the State Personnel Board
24 shall determine and publish the projected annualized payroll costs
25 based on current employees. It shall be the responsibility of the
26 agency head to ensure that actual personnel expenditures for
27 Fiscal Year 2024 do not exceed the data provided by the
28 Legislative Budget Office. If the agency's Fiscal Year 2024
29 projected cost exceeds the annualized costs, no salary actions
30 shall be processed by the State Personnel Board with the exception
31 of new hires that are determined to be essential for the agency.

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

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44 act and which are withdrawn and no longer available.

45 None of the funds herein appropriated shall be used in
46 violation of Internal Revenue Service's Publication 15-A relating

47 to the reporting of income paid to contract employees, as
48 interpreted by the Office of the State Auditor.

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

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

	FY2024
<u>Performance Measures</u>	<u>Target</u>
Licensure	
Percent of Licenses Issued within Ten Business Days	100.00
Percent of Renewals Issued within Two Business Days	100.00
Compliance	
Number of Written Complaints Received	80
Percent of Written Complaints Resolved within Six Months	100.00

73	Number of Investigations Conducted Due	
74	to the Diversion of Prescription Drugs,	
75	Impaired	16
76	Number of Investigations Conducted Due	
77	to the Pharmacists and Pharmacy	
78	Technicians	28
79	Recidivism Rate for Those Receiving	
80	Disciplinary Actions	20.00
81	Prescription Monitoring Prg	
82	Percent of In-State Physicians	
83	Registered to PMP	100.00
84	Percent of Licensed APRNs Registered to PMP	100.00
85	Percent of Pharmacists Registered to PMP	100.00

86 A reporting of the degree to which the performance targets
87 set above have been or are being achieved shall be provided in the
88 agency's budget request submitted to the Joint Legislative Budget
89 Committee for Fiscal Year 2025.

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

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

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

115 **SECTION 7.** It is the intention of the Legislature that the
116 Board of Pharmacy shall have the authority to escalate and expend
117 funds, which are comprised of special funds of the department, in
118 an amount not to exceed Three Hundred Thousand Dollars
119 (\$300,000.00) for the costs related to the relocation and
120 furnishing of their office for the period beginning July 1, 2023,
121 the fiscal year ending June 30, 2024. The escalation of those
122 funds and/or related transfers shall be in accordance with
123 procedures for federal fund escalations as provided in Section

124 27-104-21, Mississippi Code 1972, and expended for the purposes of
125 performing such duties as set forth by law in accordance with
126 applicable rules and regulations of the State Fiscal Officer.

127 **SECTION 8.** In accordance with the Pharmacy Benefit Prompt
128 Pay Act, Sections 73-21-151 through 73-21-163, Mississippi Code of
129 1972, the Mississippi Board of Pharmacy may escalate the
130 appropriate funds not to exceed Five Hundred Thousand Dollars
131 (\$500,000) of its budget during the fiscal year for the purposes
132 of conducting compliance examinations and regulatory oversight as
133 authorized by the Act.

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

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

144 **SECTION 11.** This act shall take effect and be in force from
145 and after July 1, 2023, and shall stand repealed from and after
146 June 29, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR13\SB3032A.J

Andrew Ketchings
Clerk of the House of Representatives