

House Amendments to Senate Bill No. 3035

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, 2024, and ending
10 June 30, 2025.....\$ 3,834,292.00.

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 2026 do not exceed Fiscal Year 2025 funds
19 appropriated for that purpose unless programs or positions are
20 added to the agency's Fiscal Year 2025 budget by the Mississippi
21 Legislature. The Legislature shall determine the agency's personal

22 services appropriation, which the State Personnel Board shall
23 publish. In accordance with applicable laws, if an agency
24 determines that its personal services amount is insufficient, the
25 agency must contact the State Personnel Board. Any adjustment to
26 the personal services amount must be approved by the State
27 Personnel Director and the State Fiscal Officer after consultation
28 with the Legislative Budget Office. Any adjustment shall be
29 reported to the Legislative Budget Office and the House and Senate
30 Appropriations Chairmen. The agency's personal services
31 appropriation may consist of restricted funds for approved
32 vacancies for Fiscal Year 2025 that may not be utilized for active
33 Fiscal Year 2024 headcount. It shall be the agency's
34 responsibility to ensure that the funds provided for vacancies are
35 used to increase headcount and not for promotions, title changes,
36 in-range salary adjustments, or any other mechanism for increasing
37 salaries for current employees. If the State Personnel Board
38 determines that an agency has used provided vacancy funds for any
39 of the mechanisms previously listed, the State Personnel Board
40 shall not process any additional salary actions for the agency in
41 the current fiscal year, except for new hires determined by the
42 State Personnel Board to be essential for the agency. It is the
43 Legislature's intention that no employee salary falls below the
44 minimum salary established by the Mississippi State Personnel
45 Board.

46 Additionally, the State Personnel Board shall determine and
47 publish the projected annualized payroll costs based on current

48 employees. It shall be the responsibility of the agency head to
49 ensure that actual personnel expenditures for Fiscal Year 2025 do
50 not exceed the data provided by the Legislative Budget Office. If
51 the agency's projected cost for Fiscal Year 2025 exceeds the
52 annualized costs, no salary actions shall be processed by the
53 State Personnel Board except for new hires determined to be
54 essential for the agency.

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

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

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

72 **SECTION 3.** In compliance with the "Mississippi Performance
73 Budget and Strategic Planning Act of 1994," it is the intent of

74 the Legislature that the funds provided herein shall be utilized
 75 in the most efficient and effective manner possible to achieve the
 76 intended mission of this agency. Based on the funding authorized,
 77 this agency shall make every effort to attain the targeted
 78 performance measures provided below:

	FY2025
<u>Performance Measures</u>	<u>Target</u>
81 Licensure	
82 Percent of Licenses Issued within Ten	
83 Business Days	100.00
84 Percent of Renewals Issued within Two	
85 Business Days	100.00
86 Compliance	
87 Number of Written Complaints Received	80
88 Percent of Written Complaints Resolved	
89 within Six Months	100.00
90 Number of Investigations Conducted Due	
91 to the Diversion of Prescription Drugs,	
92 Impaired	20
93 Number of Investigations Conducted Due	
94 to the Pharmacists and Pharmacy	
95 Technicians	30
96 Recidivism Rate for Those Receiving	
97 Disciplinary Actions (% Avg of Three	
98 Years)	20.00
99 Prescription Monitoring Prg	

100	Percent of In-State Physicians	
101	Registered to PMP	100.00
102	Percent of Licensed APRNs Registered to PMP	100.00
103	Percent of Pharmacists Registered to PMP	100.00

104 A reporting of the degree to which the performance targets
105 set above have been or are being achieved shall be provided in the
106 agency's budget request submitted to the Joint Legislative Budget
107 Committee for Fiscal Year 2026.

108 **SECTION 4.** It is the intention of the Legislature that
109 whenever two (2) or more bids are received by this agency for the
110 purchase of commodities or equipment, and whenever all things
111 stated in such received bids are equal with respect to price,
112 quality and service, the Mississippi Industries for the Blind
113 shall be given preference. A similar preference shall be given to
114 the Mississippi Industries for the Blind whenever purchases are
115 made without competitive bids.

116 **SECTION 5.** It is the intention of the Legislature that the
117 Board of Pharmacy shall maintain complete accounting and personnel
118 records related to the expenditure of all funds appropriated under
119 this act and that such records shall be in the same format and
120 level of detail as maintained for Fiscal Year 2024. It is further
121 the intention of the Legislature that the agency's budget request
122 for Fiscal Year 2026 shall be submitted to the Joint Legislative
123 Budget Committee in a format and level of detail comparable to the
124 format and level of detail provided during the Fiscal Year 2025
125 budget request process.

126 **SECTION 6.** It is the intention of the Legislature that the
127 funds herein appropriated shall be expended in compliance with
128 Section 27-104-25, Mississippi Code of 1972, that no state agency
129 shall incur obligations or indebtedness in excess of their
130 appropriation and that the responsible officers, either personally
131 or upon their official bonds, shall be held responsible for
132 actions contrary to this provision.

133 **SECTION 7.** In accordance with the Pharmacy Benefit Prompt
134 Pay Act, Sections 73-21-151 through 73-21-163, Mississippi Code of
135 1972, the Mississippi Board of Pharmacy may escalate the
136 appropriate funds not to exceed Five Hundred Thousand Dollars
137 (\$500,000.00) of its budget during the fiscal year for the
138 purposes of conducting compliance examinations and regulatory
139 oversight as authorized by the act.

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

144 **SECTION 9.** The money herein appropriated shall be paid by
145 the State Treasurer out of any money in the State Treasury to the
146 credit of the proper fund or funds as set forth in this act, upon
147 warrants issued by the State Fiscal Officer; and the State Fiscal
148 Officer shall issue his warrants upon requisitions signed by the
149 proper person, officer or officers in the manner provided by law.

150 **SECTION 10.** This act shall take effect and be in force from
151 and after July 1, 2024, and shall stand repealed from and after
152 June 29, 2024.

HR13\SB3035A.J

Andrew Ketchings
Clerk of the House of Representatives