

FIRST REGULAR SESSION

HOUSE BILL NO. 462

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FOLEY AND NAEGER (Co-sponsors).

Read 1st time January 22, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1094L.011

AN ACT

To repeal section 338.010, RSMo 2000, relating to the practice of pharmacy, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 338.010, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 338.010, to read as follows:

338.010. 1. The "practice of pharmacy" [shall mean] **means** the interpretation, **implementation** and evaluation of [prescription] orders **relating to drug therapy**; the compounding, dispensing [and], labeling **and administration** of drugs and devices pursuant to prescription orders; the participation in drug **and related device** selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners about the safe and effective use of drugs and devices, **including but not limited to the advising of therapeutic values, hazards, adverse reactions and drug interactions related to drug use; the monitoring of drug use; the implementation or modifying of drug therapy in accordance with written guidelines or protocols developed in compliance with guidelines established by the board of healing arts and the board of pharmacy established between a pharmacist and a practitioner authorized to prescribe drugs for the care of a specific patient and a specific disease state**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy **or pharmacist's practice. The practice of pharmacy does not include therapeutic substitution by the pharmacist absent the explicit consent of the practitioner**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **authorized to prescribe drugs.**

18 **2. A licensed pharmacist who has received training approved by the board of**
19 **pharmacy, including but not limited to training in patient clinical assessment skills**
20 **appropriate to the pharmacist's practice, may, after the diagnosis and referral of the**
21 **patient by a practitioner authorized to prescribe drugs, engage in implementing the orders**
22 **of such practitioner or modifying drug therapy. Such activities shall be in accordance with**
23 **and dependent upon written guidelines or protocols developed to comply with protocol**
24 **standards adopted by the board of healing arts and the board of pharmacy and established**
25 **by the referring practitioner with a pharmacist for a specific patient and disease state. The**
26 **practice locations of the practitioner and pharmacist shall not be greater than within a**
27 **fifty-mile radius of each other. Guidelines or protocols shall not be written in such a way**
28 **to alter or change the orders of another practitioner without prior approval from the**
29 **referring practitioner.**

30 **3. The board of healing arts and the board of pharmacy shall jointly develop**
31 **minimum requirements for written protocols and guidelines pertaining to the actions and**
32 **responsibilities of prescribers and pharmacists engaged in collaborative care agreements.**

33 **4. No person shall engage in the practice of pharmacy unless [he] such person is**
34 **licensed [under] pursuant to the provisions of this chapter. This chapter shall not be construed**
35 **to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from**
36 **assisting the pharmacist in any of his or her duties. This assistance in no way is intended to**
37 **relieve the pharmacist from [his] the pharmacist's responsibilities for compliance with this**
38 **chapter and [he] the pharmacist will be responsible for the actions of the auxiliary personnel**
39 **acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere**
40 **with any legally registered practitioner of medicine, dentistry, podiatry, or veterinary medicine,**
41 **or the practice of optometry in accordance with and as provided in [sections 195.070 and**
42 **336.220] section 195.070, RSMo, in the compounding or dispensing of his or her own**
43 **prescriptions.**

44 **[2.] 5. Nothing in this section shall be construed as to prevent any person, firm or**
45 **corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that**
46 **a licensed pharmacist is in charge of such pharmacy.**

47 **[3.] 6. Nothing in this section shall be construed to apply to or interfere with the sale of**
48 **nonprescription drugs and the ordinary household remedies and such drugs or medicines as are**
49 **normally sold by those engaged in the sale of general merchandise.**