

**HOUSE****AMENDMENT NO. \_\_\_\_\_****Offered by \_\_\_\_\_****of \_\_\_\_\_**

1 AMEND House Committee Substitute for Senate Committee Substitute  
 2 for Senate Bill No. 754, Page 1, In the Title, Line 2, by  
 3 inserting after the number "194.350," the numbers "195.070,  
 4 195.080, 195.100,"; and

5 Further amend said bill, Page 1, In the Title, Line 7, by  
 6 inserting after the number "334.735," the number "334.747,"; and

7 Further amend said bill, Page 1, In the Title, Line 9, by  
 8 inserting after the number "337.739," the number "338.100"; and

9 Further amend said bill, Page 2, In the Title, Line 28, by  
 10 deleting the words "one hundred five" and inserting in lieu  
 11 thereof the words "one hundred ten"; and

12 Further amend said bill, Page 2, Section A, Line 1, by  
 13 inserting after the number "194.350," the numbers "195.070,  
 14 195.080, 195.100,"; and

15 Further amend said bill, Page 2, Section A, Line 6, by  
 16 inserting after the number "334.735," the number "334.747,"; and

17 Further amend said bill, Page 2, Section A, Line 7, by  
 18 inserting after the number "337.739," the number "338.100"; and

19 Further amend said bill, Page 2, Section A, Line 25, by  
 20 deleting the words "one hundred five" and inserting in lieu  
 21 thereof the words "one hundred ten"; and

22 Further amend said bill, Page 2, Section A, Line 26, by  
 23 inserting after the number "194.350," the numbers "195.070,  
 24 195.080, 195.100,"; and

25 Further amend said bill, Page 3, Section A, Line 32, by  
 26 inserting after the number "194.350," the numbers "195.070,  
 27 195.080, 195.100,"; and

28 Further amend said bill, Page 3, Section A, Line 33, by  
 29 inserting after the number "337.739," the number "338.100"; and

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Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 Further amend said bill, Page 7, Section 194.350, Line 26,  
2 by inserting after all of said line the following:

3 "195.070. 1. A physician, podiatrist, dentist, a  
4 registered optometrist certified to administer pharmaceutical  
5 agents as provided in section 336.220, RSMo, or a physician  
6 assistant in accordance with section 334.747, RSMo, in good faith  
7 and in the course of his or her professional practice only, may  
8 prescribe, administer, and dispense controlled substances or he  
9 or she may cause the same to be administered or dispensed by an  
10 individual as authorized by statute.

11 2. An advanced practice registered nurse, as defined in  
12 section 335.016, RSMo, but not a certified registered nurse  
13 anesthetist as defined in subdivision (8) of section 335.016,  
14 RSMo, who holds a certificate of controlled substance  
15 prescriptive authority from the board of nursing under section  
16 335.019, RSMo, and who is delegated the authority to prescribe  
17 controlled substances under a collaborative practice arrangement  
18 under section 334.104, RSMo, may prescribe any controlled  
19 substances listed in Schedules III, IV, and V of section 195.017.

20 However, no such certified advanced practice registered nurse  
21 shall prescribe controlled substance for his or her own self or  
22 family. Schedule III narcotic controlled substance prescriptions  
23 shall be limited to a one hundred twenty-hour supply without  
24 refill.

25 3. A veterinarian, in good faith and in the course of the  
26 veterinarian's professional practice only, and not for use by a  
27 human being, may prescribe, administer, and dispense controlled  
28 substances and the veterinarian may cause them to be administered  
29 by an assistant or orderly under his or her direction and  
30 supervision.

31 4. A practitioner shall not accept any portion of a  
32 controlled substance unused by a patient, for any reason, if such  
33 practitioner did not originally dispense the drug.

34 5. An individual practitioner shall not prescribe or  
35 dispense a controlled substance for such practitioner's personal  
36 use except in a medical emergency.

37 6. A physician assistant or advance practice registered

1 nurse or comparable mid-level practitioner located in another  
2 state may prescribe controlled substances or may cause the same  
3 to be dispensed by an individual as authorized by statute,  
4 provided:

5 (1) He or she has fulfilled the requirements of the state  
6 in which he or she is licensed and practicing as well as those of  
7 the United States to prescribe controlled substances;

8 (2) He or she writes the controlled substance prescription  
9 in compliance with the applicable laws of the state in which he  
10 or she is licensed and practicing as well as those of the United  
11 States; and

12 (3) The prescription is dispensed to a patient who is a  
13 resident of another state.

14 195.080. 1. Except as otherwise in sections 195.005 to  
15 195.425 specifically provided, sections 195.005 to 195.425 shall  
16 not apply to the following cases: prescribing, administering,  
17 dispensing or selling at retail of liniments, ointments, and  
18 other preparations that are susceptible of external use only and  
19 that contain controlled substances in such combinations of drugs  
20 as to prevent the drugs from being readily extracted from such  
21 liniments, ointments, or preparations, except that sections  
22 195.005 to 195.425 shall apply to all liniments, ointments, and  
23 other preparations that contain coca leaves in any quantity or  
24 combination.

25 2. The quantity of Schedule II controlled substances  
26 prescribed or dispensed at any one time shall be limited to a  
27 thirty-day supply. The quantity of Schedule III, IV or V  
28 controlled substances prescribed or dispensed at any one time  
29 shall be limited to a ninety-day supply and shall be prescribed  
30 and dispensed in compliance with the general provisions of  
31 sections 195.005 to 195.425. The supply limitations provided in  
32 this subsection may be increased up to three months if the  
33 physician describes on the prescription form or indicates via  
34 telephone, fax, or electronic communication to the pharmacy to be  
35 entered on or attached to the prescription form the medical  
36 reason for requiring the larger supply. The supply limitations  
37 provided in this subsection shall not apply if:

1       (1) The prescription is:

2       (a) Written by a practitioner located in another state  
3 according to the applicable laws of such state and the United  
4 States; and

5       (b) Dispensed to a patient who is a resident of another  
6 state; or

7       (2) The prescription is dispensed directly to a member of  
8 the United States armed forces serving outside the United States.

9       3. The partial filling of a prescription for a Schedule II  
10 substance is permissible as defined by regulation by the  
11 department of health and senior services.

12       195.100. 1. It shall be unlawful to distribute any  
13 controlled substance in a commercial container unless such  
14 container bears a label containing an identifying symbol for such  
15 substance in accordance with federal laws.

16       2. It shall be unlawful for any manufacturer of any  
17 controlled substance to distribute such substance unless the  
18 labeling thereof conforms to the requirements of federal law and  
19 contains the identifying symbol required in subsection 1 of this  
20 section.

21       3. The label of a controlled substance in Schedule II, III  
22 or IV shall, when dispensed to or for a patient, contain a clear,  
23 concise warning that it is a criminal offense to transfer such  
24 narcotic or dangerous drug to any person other than the patient.

25       4. Whenever a manufacturer sells or dispenses a controlled  
26 substance and whenever a wholesaler sells or dispenses a  
27 controlled substance in a package prepared by him or her, the  
28 manufacturer or wholesaler shall securely affix to each package  
29 in which that drug is contained a label showing in legible  
30 English the name and address of the vendor and the quantity,  
31 kind, and form of controlled substance contained therein. No  
32 person except a pharmacist for the purpose of filling a  
33 prescription under sections 195.005 to 195.425, shall alter,  
34 deface, or remove any label so affixed.

35       5. Whenever a pharmacist or practitioner sells or dispenses  
36 any controlled substance on a prescription issued by a physician,  
37 physician assistant, dentist, podiatrist, veterinarian, or

1 advanced practice registered nurse, the pharmacist or  
2 practitioner shall affix to the container in which such drug is  
3 sold or dispensed a label showing his or her own name and address  
4 of the pharmacy or practitioner for whom he or she is lawfully  
5 acting; the name of the patient or, if the patient is an animal,  
6 the name of the owner of the animal and the species of the  
7 animal; the name of the physician, physician assistant, dentist,  
8 podiatrist, advanced practice registered nurse, or veterinarian  
9 by whom the prescription was written; [the name of the  
10 collaborating physician if the prescription is written by an  
11 advanced practice registered nurse or the supervising physician  
12 if the prescription is written by a physician assistant,] and  
13 such directions as may be stated on the prescription. No person  
14 shall alter, deface, or remove any label so affixed."; and

15 Further amend said bill, Page 81, Section 334.735, Line 174,  
16 by inserting after all of said line the following:

17 "334.747. 1. A physician assistant with a certificate of  
18 controlled substance prescriptive authority as provided in this  
19 section may prescribe any controlled substance listed in schedule  
20 III, IV, or V of section 195.017, RSMo, when delegated the  
21 authority to prescribe controlled substances in a supervision  
22 agreement. Such authority shall be listed on the supervision  
23 verification form on file with the state board of healing arts.  
24 The supervising physician shall maintain the right to limit a  
25 specific scheduled drug or scheduled drug category that the  
26 physician assistant is permitted to prescribe. Any limitations  
27 shall be listed on the supervision form. Physician assistants  
28 shall not prescribe controlled substances for themselves or  
29 members of their families. Schedule III controlled substances  
30 shall be limited to a five-day supply without refill. Physician  
31 assistants who are authorized to prescribe controlled substances  
32 under this section shall register with the federal Drug  
33 Enforcement Administration and the state bureau of narcotics and  
34 dangerous drugs, and shall include [such] the Drug Enforcement  
35 Administration registration numbers on prescriptions for  
36 controlled substances.

37 2. The supervising physician shall be responsible to

1 determine and document the completion of at least one hundred  
2 twenty hours in a four-month period by the physician assistant  
3 during which the physician assistant shall practice with the  
4 supervising physician on-site prior to prescribing controlled  
5 substances when the supervising physician is not on-site. Such  
6 limitation shall not apply to physician assistants of  
7 population-based public health services as defined in 20 CSR  
8 2150-5.100 as of April 30, 2009.

9 3. A physician assistant shall receive a certificate of  
10 controlled substance prescriptive authority from the board of  
11 healing arts upon verification of the completion of the following  
12 educational requirements:

13 (1) Successful completion of an advanced pharmacology  
14 course that includes clinical training in the prescription of  
15 drugs, medicines, and therapeutic devices. A course or courses  
16 with advanced pharmacological content in a physician assistant  
17 program accredited by the Accreditation Review Commission on  
18 Education for the Physician Assistant (ARC-PA) or its predecessor  
19 agency shall satisfy such requirement;

20 (2) Completion of a minimum of three hundred clock hours of  
21 clinical training by the supervising physician in the  
22 prescription of drugs, medicines, and therapeutic devices;

23 (3) Completion of a minimum of one year of supervised  
24 clinical practice or supervised clinical rotations. One year of  
25 clinical rotations in a program accredited by the Accreditation  
26 Review Commission on Education for the Physician Assistant  
27 (ARC-PA) or its predecessor agency, which includes  
28 pharmacotherapeutics as a component of its clinical training,  
29 shall satisfy such requirement. Proof of such training shall  
30 serve to document experience in the prescribing of drugs,  
31 medicines, and therapeutic devices;

32 (4) A physician assistant previously licensed in a  
33 jurisdiction where physician assistants are authorized to  
34 prescribe controlled substances may obtain a state bureau of  
35 narcotics and dangerous drugs registration if a supervising  
36 physician can attest that the physician assistant has met the  
37 requirements of subdivisions (1) to (3) of this subsection and

1 provides documentation of existing federal Drug Enforcement  
2 Agency registration.

3 4. A physician assistant or advance practice registered  
4 nurse or comparable mid-level practitioner located in another  
5 state may prescribe controlled substances or may cause the same  
6 to be dispensed by an individual as authorized by statute,  
7 provided:

8 (1) He or she has fulfilled the requirements of the state  
9 in which he or she is licensed and practicing as well as those of  
10 the United States to prescribe controlled substances;

11 (2) He or she writes the controlled substance prescription  
12 in compliance with the applicable laws of the state in which he  
13 or she is licensed and practicing as well as those of the United  
14 States; and \_\_\_\_

15 (3) The prescription is dispensed to a patient who is a  
16 resident of another state."; and

17 Further amend said bill, Page 93, Section 337.739, Line 39,  
18 by inserting after all of said line the following:

19 "338.100. 1. Every permit holder of a licensed pharmacy  
20 shall cause to be kept in a uniform fashion consistent with this  
21 section a suitable book, file, or electronic recordkeeping system  
22 in which shall be preserved, for a period of not less than five  
23 years, the original or order of each drug which has been  
24 compounded or dispensed at such pharmacy, according to and in  
25 compliance with standards provided by the board, and shall  
26 produce the same in court or before any grand jury whenever  
27 lawfully required. A licensed pharmacy may maintain its  
28 prescription file on readable microfilm for records maintained  
29 over three years. After September, 1999, a licensed pharmacy may  
30 preserve prescription files on microfilm or by electronic media  
31 storage for records maintained over three years. The pharmacist  
32 in charge shall be responsible for complying with the permit  
33 holder's record-keeping system in compliance with this section.  
34 Records maintained by a pharmacy that contain medical or drug  
35 information on patients or their care shall be considered as  
36 confidential and shall only be released according to standards  
37 provided by the board. Upon request, the pharmacist in charge of

1 such pharmacy shall furnish to the [prescribe] prescriber, and  
2 may furnish to the person for whom such prescription was  
3 compounded or dispensed, a true and correct copy of the original  
4 prescription. The file of original prescriptions kept in any  
5 format in compliance with this section, and other confidential  
6 records, as defined by law, shall at all times be open for  
7 inspection by board of pharmacy representatives. Records  
8 maintained in an electronic recordkeeping system shall contain  
9 all information otherwise required in a manual recordkeeping  
10 system. Electronic records shall be readily retrievable.  
11 Pharmacies may electronically maintain the original prescription  
12 or prescription order for each drug and may electronically  
13 annotate any change or alteration to a prescription record in the  
14 electronic recordkeeping system as authorized by law; provided  
15 however, original written and faxed prescriptions shall be  
16 physically maintained on file at the pharmacy under state and  
17 federal controlled substance laws.

18 2. An institutional pharmacy located in a hospital shall be  
19 responsible for maintaining records of the transactions of the  
20 pharmacy as required by federal and state laws and as necessary  
21 to maintain adequate control and accountability of all drugs.  
22 This shall include a system of controls and records for the  
23 requisitioning and dispensing of pharmaceutical supplies where  
24 applicable to patients, nursing care units and to other  
25 departments or services of the institution. Inspection performed  
26 pursuant to this subsection shall be consistent with the  
27 provisions of section 197.100, RSMo.

28 3. "Electronic recordkeeping system", as used in this  
29 section, shall mean a system, including machines, methods of  
30 organization, and procedures, that provides input, storage,  
31 processing, communications, output, and control functions for  
32 digitized images of original prescriptions."; and

33 Further amend said title, enacting clause and intersectional  
34 references accordingly.