

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 808**  
97TH GENERAL ASSEMBLY  
2014

5659H.07T

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**AN ACT**

To repeal sections 324.024, 334.735, 337.615, 337.643, 337.645, 338.010, 338.020, 338.059, 338.220, 346.010, and 346.055, RSMo, and to enact in lieu thereof thirteen new sections relating to the licensing of certain professions, with an existing penalty provision.

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

Section A. Sections 324.024, 334.735, 337.615, 337.643, 337.645, 338.010, 338.020, 338.059, 338.220, 346.010, and 346.055, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 316.265, 324.024, 334.735, 337.615, 337.643, 337.645, 338.010, 338.020, 338.059, 338.165, 338.220, 346.010, and 346.055, to read as follows:

**316.265. No employee or employer primarily engaged in the practice of combing, braiding, or curling hair without the use of potentially harmful chemicals shall be subject to the provisions of chapter 329 while working in conjunction with any licensee for any public amusement or entertainment venue as defined in this chapter.**

324.024. 1. Notwithstanding any provision of law to the contrary, every application for a license, certificate, registration, or permit[, or renewal of a license, certificate, registration, or permit] issued in this state shall contain the Social Security number of the applicant. This provision shall not apply to an original application for a license, certificate, registration, or permit submitted by a citizen of a foreign country who has never been issued a Social Security number and who previously has not been licensed by any other state, United States territory, or federal agency. A citizen of a foreign country applying for licensure with the division of professional registration shall be required to submit his or

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

10 her visa or passport identification number in lieu of the Social Security number.

11       **2. Notwithstanding any provision of law to the contrary, every**  
12 **application for a renewal of a license, certificate, registration, or**  
13 **permit which did not originally contain the Social Security number of**  
14 **the applicant shall contain the Social Security number of the applicant**  
15 **at the first renewal of the license, certificate, registration, or permit.**

16       **3. Following initial application for licensure, certificate,**  
17 **registration, or permit as described in subsection 1 of this section or**  
18 **first renewal application for licensure, certificate, registration, or**  
19 **permit as described in subsection 2 of this section, all subsequent**  
20 **applications shall not contain the Social Security number of the**  
21 **licensee, certificate holder, registrant, or permit holder. All Social**  
22 **Security numbers collected for registered professionals may be**  
23 **maintained on file by the agency in compliance with federal law.**

334.735. 1. As used in sections 334.735 to 334.749, the following terms  
2 mean:

3       (1) "Applicant", any individual who seeks to become licensed as a  
4 physician assistant;

5       (2) "Certification" or "registration", a process by a certifying entity that  
6 grants recognition to applicants meeting predetermined qualifications specified  
7 by such certifying entity;

8       (3) "Certifying entity", the nongovernmental agency or association which  
9 certifies or registers individuals who have completed academic and training  
10 requirements;

11       (4) "Department", the department of insurance, financial institutions and  
12 professional registration or a designated agency thereof;

13       (5) "License", a document issued to an applicant by the board  
14 acknowledging that the applicant is entitled to practice as a physician assistant;

15       (6) "Physician assistant", a person who has graduated from a physician  
16 assistant program accredited by the American Medical Association's Committee  
17 on Allied Health Education and Accreditation or by its successor agency, who has  
18 passed the certifying examination administered by the National Commission on  
19 Certification of Physician Assistants and has active certification by the National  
20 Commission on Certification of Physician Assistants who provides health care  
21 services delegated by a licensed physician. A person who has been employed as  
22 a physician assistant for three years prior to August 28, 1989, who has passed the  
23 National Commission on Certification of Physician Assistants examination, and

24 has active certification of the National Commission on Certification of Physician  
25 Assistants;

26 (7) "Recognition", the formal process of becoming a certifying entity as  
27 required by the provisions of sections 334.735 to 334.749;

28 (8) "Supervision", control exercised over a physician assistant working  
29 with a supervising physician and oversight of the activities of and accepting  
30 responsibility for the physician assistant's delivery of care. The physician  
31 assistant shall only practice at a location where the physician routinely provides  
32 patient care, except existing patients of the supervising physician in the patient's  
33 home and correctional facilities. The supervising physician must be immediately  
34 available in person or via telecommunication during the time the physician  
35 assistant is providing patient care. Prior to commencing practice, the supervising  
36 physician and physician assistant shall attest on a form provided by the board  
37 that the physician shall provide supervision appropriate to the physician  
38 assistant's training and that the physician assistant shall not practice beyond the  
39 physician assistant's training and experience. Appropriate supervision shall  
40 require the supervising physician to be working within the same facility as the  
41 physician assistant for at least four hours within one calendar day for every  
42 fourteen days on which the physician assistant provides patient care as described  
43 in subsection 3 of this section. Only days in which the physician assistant  
44 provides patient care as described in subsection 3 of this section shall be counted  
45 toward the fourteen-day period. The requirement of appropriate supervision shall  
46 be applied so that no more than thirteen calendar days in which a physician  
47 assistant provides patient care shall pass between the physician's four hours  
48 working within the same facility. The board shall promulgate rules pursuant to  
49 chapter 536 for documentation of joint review of the physician assistant activity  
50 by the supervising physician and the physician assistant.

51 2. (1) A supervision agreement shall limit the physician assistant to  
52 practice only at locations described in subdivision (8) of subsection 1 of this  
53 section, where the supervising physician is no further than fifty miles by road  
54 using the most direct route available and where the location is not so situated as  
55 to create an impediment to effective intervention and supervision of patient care  
56 or adequate review of services.

57 (2) For a physician-physician assistant team working in a rural health  
58 clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as  
59 amended, no supervision requirements in addition to the minimum federal law  
60 shall be required.

61           3. The scope of practice of a physician assistant shall consist only of the  
62 following services and procedures:

- 63           (1) Taking patient histories;
- 64           (2) Performing physical examinations of a patient;
- 65           (3) Performing or assisting in the performance of routine office laboratory  
66 and patient screening procedures;
- 67           (4) Performing routine therapeutic procedures;
- 68           (5) Recording diagnostic impressions and evaluating situations calling for  
69 attention of a physician to institute treatment procedures;
- 70           (6) Instructing and counseling patients regarding mental and physical  
71 health using procedures reviewed and approved by a licensed physician;
- 72           (7) Assisting the supervising physician in institutional settings, including  
73 reviewing of treatment plans, ordering of tests and diagnostic laboratory and  
74 radiological services, and ordering of therapies, using procedures reviewed and  
75 approved by a licensed physician;
- 76           (8) Assisting in surgery;
- 77           (9) Performing such other tasks not prohibited by law under the  
78 supervision of a licensed physician as the physician's assistant has been trained  
79 and is proficient to perform; and
- 80           (10) Physician assistants shall not perform or prescribe abortions.

81           4. Physician assistants shall not prescribe nor dispense any drug,  
82 medicine, device or therapy unless pursuant to a physician supervision agreement  
83 in accordance with the law, nor prescribe lenses, prisms or contact lenses for the  
84 aid, relief or correction of vision or the measurement of visual power or visual  
85 efficiency of the human eye, nor administer or monitor general or regional block  
86 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing  
87 and dispensing of drugs, medications, devices or therapies by a physician  
88 assistant shall be pursuant to a physician assistant supervision agreement which  
89 is specific to the clinical conditions treated by the supervising physician and the  
90 physician assistant shall be subject to the following:

- 91           (1) A physician assistant shall only prescribe controlled substances in  
92 accordance with section 334.747;
- 93           (2) The types of drugs, medications, devices or therapies prescribed or  
94 dispensed by a physician assistant shall be consistent with the scopes of practice  
95 of the physician assistant and the supervising physician;
- 96           (3) All prescriptions shall conform with state and federal laws and  
97 regulations and shall include the name, address and telephone number of the

98 physician assistant and the supervising physician;  
99 (4) A physician assistant, or advanced practice registered nurse as defined  
100 in section 335.016 may request, receive and sign for noncontrolled professional  
101 samples and may distribute professional samples to patients;  
102 (5) A physician assistant shall not prescribe any drugs, medicines, devices  
103 or therapies the supervising physician is not qualified or authorized to prescribe;  
104 and  
105 (6) A physician assistant may only dispense starter doses of medication  
106 to cover a period of time for seventy-two hours or less.

107 5. A physician assistant shall clearly identify himself or herself as a  
108 physician assistant and shall not use or permit to be used in the physician  
109 assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out  
110 in any way to be a physician or surgeon. No physician assistant shall practice or  
111 attempt to practice without physician supervision or in any location where the  
112 supervising physician is not immediately available for consultation, assistance  
113 and intervention, except as otherwise provided in this section, and in an  
114 emergency situation, nor shall any physician assistant bill a patient  
115 independently or directly for any services or procedure by the physician assistant;  
116 **however, this shall not be construed to prohibit a physician assistant**  
117 **from enrolling with the department of social services as a Medicaid**  
118 **provider while acting under a supervision agreement between the**  
119 **physician and physician assistant.**

120 6. For purposes of this section, the licensing of physician assistants shall  
121 take place within processes established by the state board of registration for the  
122 healing arts through rule and regulation. The board of healing arts is authorized  
123 to establish rules pursuant to chapter 536 establishing licensing and renewal  
124 procedures, supervision, supervision agreements, fees, and addressing such other  
125 matters as are necessary to protect the public and discipline the profession. An  
126 application for licensing may be denied or the license of a physician assistant may  
127 be suspended or revoked by the board in the same manner and for violation of the  
128 standards as set forth by section 334.100, or such other standards of conduct set  
129 by the board by rule or regulation. Persons licensed pursuant to the provisions  
130 of chapter 335 shall not be required to be licensed as physician assistants. All  
131 applicants for physician assistant licensure who complete a physician assistant  
132 training program after January 1, 2008, shall have a master's degree from a  
133 physician assistant program.

134 7. "Physician assistant supervision agreement" means a written

135 agreement, jointly agreed-upon protocols or standing order between a supervising  
136 physician and a physician assistant, which provides for the delegation of health  
137 care services from a supervising physician to a physician assistant and the review  
138 of such services. The agreement shall contain at least the following provisions:

139 (1) Complete names, home and business addresses, zip codes, telephone  
140 numbers, and state license numbers of the supervising physician and the  
141 physician assistant;

142 (2) A list of all offices or locations where the physician routinely provides  
143 patient care, and in which of such offices or locations the supervising physician  
144 has authorized the physician assistant to practice;

145 (3) All specialty or board certifications of the supervising physician;

146 (4) The manner of supervision between the supervising physician and the  
147 physician assistant, including how the supervising physician and the physician  
148 assistant shall:

149 (a) Attest on a form provided by the board that the physician shall provide  
150 supervision appropriate to the physician assistant's training and experience and  
151 that the physician assistant shall not practice beyond the scope of the physician  
152 assistant's training and experience nor the supervising physician's capabilities  
153 and training; and

154 (b) Provide coverage during absence, incapacity, infirmity, or emergency  
155 by the supervising physician;

156 (5) The duration of the supervision agreement between the supervising  
157 physician and physician assistant; and

158 (6) A description of the time and manner of the supervising physician's  
159 review of the physician assistant's delivery of health care services. Such  
160 description shall include provisions that the supervising physician, or a  
161 designated supervising physician listed in the supervision agreement review a  
162 minimum of ten percent of the charts of the physician assistant's delivery of  
163 health care services every fourteen days.

164 8. When a physician assistant supervision agreement is utilized to provide  
165 health care services for conditions other than acute self-limited or well-defined  
166 problems, the supervising physician or other physician designated in the  
167 supervision agreement shall see the patient for evaluation and approve or  
168 formulate the plan of treatment for new or significantly changed conditions as  
169 soon as practical, but in no case more than two weeks after the patient has been  
170 seen by the physician assistant.

171 9. At all times the physician is responsible for the oversight of the

172 activities of, and accepts responsibility for, health care services rendered by the  
173 physician assistant.

174 10. It is the responsibility of the supervising physician to determine and  
175 document the completion of at least a one-month period of time during which the  
176 licensed physician assistant shall practice with a supervising physician  
177 continuously present before practicing in a setting where a supervising physician  
178 is not continuously present.

179 11. No contract or other agreement shall require a physician to act as a  
180 supervising physician for a physician assistant against the physician's will. A  
181 physician shall have the right to refuse to act as a supervising physician, without  
182 penalty, for a particular physician assistant. No contract or other agreement  
183 shall limit the supervising physician's ultimate authority over any protocols or  
184 standing orders or in the delegation of the physician's authority to any physician  
185 assistant, but this requirement shall not authorize a physician in implementing  
186 such protocols, standing orders, or delegation to violate applicable standards for  
187 safe medical practice established by the hospital's medical staff.

188 12. Physician assistants shall file with the board a copy of their  
189 supervising physician form.

190 13. No physician shall be designated to serve as supervising physician for  
191 more than three full-time equivalent licensed physician assistants. This  
192 limitation shall not apply to physician assistant agreements of hospital employees  
193 providing inpatient care service in hospitals as defined in chapter 197.

337.615. 1. Each applicant for licensure as a clinical social worker shall  
2 furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university  
4 program of social work accredited by the council of social work education or a  
5 doctorate degree from a school of social work acceptable to the committee;

6 (2) The applicant has completed **at least** three thousand hours of  
7 supervised clinical experience with a qualified clinical supervisor, as defined in  
8 section 337.600, in no less than twenty-four months and no more than forty-eight  
9 consecutive calendar months. **For any applicant who has successfully**  
10 **completed at least four thousand hours of supervised clinical**  
11 **experience with a qualified clinical supervisor, as defined in section**  
12 **337.600, within the same time frame prescribed in this subsection, the**  
13 **applicant shall be eligible for application of licensure at three thousand**  
14 **hours and shall be furnished a certificate by the state committee for**  
15 **social workers acknowledging the completion of said additional hours;**

16           (3) The applicant has achieved a passing score, as defined by the  
17 committee, on an examination approved by the committee. The eligibility  
18 requirements for such examination shall be promulgated by rule of the committee;

19           (4) The applicant is at least eighteen years of age, is of good moral  
20 character, is a United States citizen or has status as a legal resident alien, and  
21 has not been convicted of a felony during the ten years immediately prior to  
22 application for licensure.

23           2. Any person holding a current license, certificate of registration, or  
24 permit from another state or territory of the United States or the District of  
25 Columbia to practice clinical social work who has had no disciplinary action taken  
26 against the license, certificate of registration, or permit for the preceding five  
27 years may be granted a license to practice clinical social work in this state if the  
28 person meets one of the following criteria:

29           (1) Has received a masters or doctoral degree from a college or university  
30 program of social work accredited by the council of social work education and has  
31 been licensed to practice clinical social work for the preceding five years; or

32           (2) Is currently licensed or certified as a clinical social worker in another  
33 state, territory of the United States, or the District of Columbia having  
34 substantially the same requirements as this state for clinical social workers.

35           3. The committee shall issue a license to each person who files an  
36 application and fee as required by the provisions of sections 337.600 to 337.689  
37 and who furnishes evidence satisfactory to the committee that the applicant has  
38 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this  
39 section or with the provisions of subsection 2 of this section.

337.643. 1. No person shall use the title of licensed master social worker  
2 and engage in the practice of master social work in this state unless the person  
3 is licensed as required by the provisions of this section and section 337.644.

4           2. A licensed master social worker shall be deemed qualified to practice  
5 the applications of social work theory, knowledge, methods and ethics and the  
6 professional use of self to restore or enhance social, psychosocial, or  
7 biopsychosocial functioning of individuals, couples, families, groups,  
8 organizations, and communities. "Master social work practice" includes the  
9 applications of specialized knowledge and advanced practice skills in the  
10 management, information and referral, counseling, supervision, consultation,  
11 education, research, advocacy, community organization, and the development,  
12 implementation, and administration of policies, programs, and activities. Under  
13 supervision as provided in sections 337.600 to 337.689, the practice of master



14 social work may include the practices reserved to clinical social workers or  
15 advanced macro social workers for no more than forty-eight consecutive calendar  
16 months for the purpose of obtaining licensure under section 337.615 or 337.645.  
17 **No licensed master social worker shall practice independently the**  
18 **scope of practice reserved for clinical social workers or advanced**  
19 **macro social workers. This shall mean that any practices reserved to**  
20 **licensed clinical social workers or licensed advanced macro social**  
21 **workers performed by a licensed master social worker shall be for the**  
22 **purpose of obtaining licensure under section 337.615 or 337.645 in an**  
23 **employment setting where either a licensed clinical social worker or a**  
24 **licensed advanced macro social worker is a registered supervisor**  
25 **approved by the state committee for social work.**

337.645. 1. Each applicant for licensure as an advanced macro social  
2 worker shall furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university  
4 program of social work accredited by the council of social work education or a  
5 doctorate degree from a school of social work acceptable to the committee;

6 (2) The applicant has completed **at least** three thousand hours of  
7 supervised advanced macro experience with a qualified advanced macro  
8 supervisor as defined in section 337.600 in no less than twenty-four months and  
9 no more than forty-eight consecutive calendar months. **For any applicant who**  
10 **has successfully completed at least four thousand hours of supervised**  
11 **advanced macro experience with a qualified advanced macro**  
12 **supervisor, as defined in section 337.600, within the same time frame**  
13 **prescribed in this subsection, the applicant shall be eligible for**  
14 **application of licensure at three thousand hours and shall be furnished**  
15 **a certificate by the state committee for social workers acknowledging**  
16 **the completion of said additional hours;**

17 (3) The applicant has achieved a passing score, as defined by the  
18 committee, on an examination approved by the committee. The eligibility  
19 requirements for such examination shall be promulgated by rule of the committee;

20 (4) The applicant is at least eighteen years of age, is of good moral  
21 character, is a United States citizen or has status as a legal resident alien, and  
22 has not been convicted of a felony during the ten years immediately prior to  
23 application for licensure.

24 2. Any person holding a current license, certificate of registration, or  
25 permit from another state or territory of the United States or the District of

26 Columbia to practice advanced macro social work who has had no disciplinary  
27 action taken against the license, certificate of registration, or permit for the  
28 preceding five years may be granted a license to practice advanced macro social  
29 work in this state if the person meets one of the following criteria:

30 (1) Has received a master's or doctoral degree from a college or university  
31 program of social work accredited by the council of social work education and has  
32 been licensed to practice advanced macro social work for the preceding five years;  
33 or

34 (2) Is currently licensed or certified as an advanced macro social worker  
35 in another state, territory of the United States, or the District of Columbia having  
36 substantially the same requirements as this state for advanced macro social  
37 workers.

38 3. The committee shall issue a license to each person who files an  
39 application and fee as required by the provisions of sections 337.600 to 337.689  
40 and who furnishes evidence satisfactory to the committee that the applicant has  
41 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this  
42 section or with the provisions of subsection 2 of this section.

338.010. 1. The "practice of pharmacy" means the interpretation,  
2 implementation, and evaluation of medical prescription orders, including any  
3 legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of  
4 such orders or facilitating the dispensing of such orders; the designing, initiating,  
5 implementing, and monitoring of a medication therapeutic plan as defined by the  
6 prescription order so long as the prescription order is specific to each patient for  
7 care by a pharmacist; the compounding, dispensing, labeling, and administration  
8 of drugs and devices pursuant to medical prescription orders and administration  
9 of viral influenza, pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria,**  
10 **tetanus, pertussis,** and meningitis vaccines by written protocol authorized by  
11 a physician for persons twelve years of age or older as authorized by rule or the  
12 administration of pneumonia, shingles, **hepatitis A, hepatitis B, diphtheria,**  
13 **tetanus, pertussis,** and meningitis vaccines by written protocol authorized by  
14 a physician for a specific patient as authorized by rule; the participation in drug  
15 selection according to state law and participation in drug utilization reviews; the  
16 proper and safe storage of drugs and devices and the maintenance of proper  
17 records thereof; consultation with patients and other health care practitioners,  
18 and veterinarians and their clients about legend drugs, about the safe and  
19 effective use of drugs and devices; and the offering or performing of those acts,  
20 services, operations, or transactions necessary in the conduct, operation,

21 management and control of a pharmacy. No person shall engage in the practice  
22 of pharmacy unless he is licensed under the provisions of this chapter. This  
23 chapter shall not be construed to prohibit the use of auxiliary personnel under  
24 the direct supervision of a pharmacist from assisting the pharmacist in any of his  
25 or her duties. This assistance in no way is intended to relieve the pharmacist  
26 from his or her responsibilities for compliance with this chapter and he or she  
27 will be responsible for the actions of the auxiliary personnel acting in his or her  
28 assistance. This chapter shall also not be construed to prohibit or interfere with  
29 any legally registered practitioner of medicine, dentistry, or podiatry, or  
30 veterinary medicine only for use in animals, or the practice of optometry in  
31 accordance with and as provided in sections 195.070 and 336.220 in the  
32 compounding, administering, prescribing, or dispensing of his or her own  
33 prescriptions.

34         2. Any pharmacist who accepts a prescription order for a medication  
35 therapeutic plan shall have a written protocol from the physician who refers the  
36 patient for medication therapy services. The written protocol and the prescription  
37 order for a medication therapeutic plan shall come from the physician only, and  
38 shall not come from a nurse engaged in a collaborative practice arrangement  
39 under section 334.104, or from a physician assistant engaged in a supervision  
40 agreement under section 334.735.

41         3. Nothing in this section shall be construed as to prevent any person,  
42 firm or corporation from owning a pharmacy regulated by sections 338.210 to  
43 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

44         4. Nothing in this section shall be construed to apply to or interfere with  
45 the sale of nonprescription drugs and the ordinary household remedies and such  
46 drugs or medicines as are normally sold by those engaged in the sale of general  
47 merchandise.

48         5. No health carrier as defined in chapter 376 shall require any physician  
49 with which they contract to enter into a written protocol with a pharmacist for  
50 medication therapeutic services.

51         6. This section shall not be construed to allow a pharmacist to diagnose  
52 or independently prescribe pharmaceuticals.

53         7. The state board of registration for the healing arts, under section  
54 334.125, and the state board of pharmacy, under section 338.140, shall jointly  
55 promulgate rules regulating the use of protocols for prescription orders for  
56 medication therapy services and administration of viral influenza vaccines. Such  
57 rules shall require protocols to include provisions allowing for timely

58 communication between the pharmacist and the referring physician, and any  
59 other patient protection provisions deemed appropriate by both boards. In order  
60 to take effect, such rules shall be approved by a majority vote of a quorum of each  
61 board. Neither board shall separately promulgate rules regulating the use of  
62 protocols for prescription orders for medication therapy services and  
63 administration of viral influenza vaccines. Any rule or portion of a rule, as that  
64 term is defined in section 536.010, that is created under the authority delegated  
65 in this section shall become effective only if it complies with and is subject to all  
66 of the provisions of chapter 536 and, if applicable, section 536.028. This section  
67 and chapter 536 are nonseverable and if any of the powers vested with the  
68 general assembly pursuant to chapter 536 to review, to delay the effective date,  
69 or to disapprove and annul a rule are subsequently held unconstitutional, then  
70 the grant of rulemaking authority and any rule proposed or adopted after August  
71 28, 2007, shall be invalid and void.

72         8. The state board of pharmacy may grant a certificate of medication  
73 therapeutic plan authority to a licensed pharmacist who submits proof of  
74 successful completion of a board-approved course of academic clinical study  
75 beyond a bachelor of science in pharmacy, including but not limited to clinical  
76 assessment skills, from a nationally accredited college or university, or a  
77 certification of equivalence issued by a nationally recognized professional  
78 organization and approved by the board of pharmacy.

79         9. Any pharmacist who has received a certificate of medication therapeutic  
80 plan authority may engage in the designing, initiating, implementing, and  
81 monitoring of a medication therapeutic plan as defined by a prescription order  
82 from a physician that is specific to each patient for care by a pharmacist.

83         10. Nothing in this section shall be construed to allow a pharmacist to  
84 make a therapeutic substitution of a pharmaceutical prescribed by a physician  
85 unless authorized by the written protocol or the physician's prescription order.

86         11. "Veterinarian", "doctor of veterinary medicine", "practitioner of  
87 veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)",  
88 "VMB", "MRCVS", or an equivalent title means a person who has received a  
89 doctor's degree in veterinary medicine from an accredited school of veterinary  
90 medicine or holds an Educational Commission for Foreign Veterinary Graduates  
91 (EDFVG) certificate issued by the American Veterinary Medical Association  
92 (AVMA).

93         **12. In addition to other requirements established by the joint**  
94 **promulgation of rules by the board of pharmacy and the state board of**

95 registration for the healing arts:

96 (1) A pharmacist shall administer vaccines in accordance with  
97 treatment guidelines established by the Centers for Disease Control and  
98 Prevention (CDC);

99 (2) A pharmacist who is administering a vaccine shall request a  
100 patient to remain in the pharmacy a safe amount of time after  
101 administering the vaccine to observe any adverse reactions. Such  
102 pharmacist shall have adopted emergency treatment protocols;

103 (3) In addition to other requirements by the board, a pharmacist  
104 shall receive additional training as required by the board and  
105 evidenced by receiving a certificate from the board upon completion,  
106 and shall display the certification in his or her pharmacy where  
107 vaccines are delivered.

108 13. A pharmacist shall provide a written report within fourteen  
109 days of administration of a vaccine to the patient's primary health care  
110 provider, if provided by the patient, containing:

111 (1) The identity of the patient;

112 (2) The identity of the vaccine or vaccines administered;

113 (3) The route of administration;

114 (4) The anatomic site of the administration;

115 (5) The dose administered; and

116 (6) The date of administration.

338.020. 1. Every person who shall hereafter desire to be licensed as a  
2 pharmacist shall file with the board of pharmacy an application setting forth his  
3 name and age, the place, or places, at which and the time spent in the study of  
4 the science and art of pharmacy, and the practical experience which the applicant  
5 has had under the direction of a legally licensed pharmacist, and shall appear at  
6 a time and place designated by the board of pharmacy and submit to an  
7 examination as to his qualifications for registration as a licensed  
8 pharmacist. Each application shall contain a statement that it is made under  
9 oath or affirmation and that its representations are true and correct to the best  
10 knowledge and belief of the person signing same, subject to the penalties of  
11 making a false affidavit or declaration.

12 2. So long as the person involved does not represent or hold  
13 himself or herself out as a pharmacist licensed to practice in this state,  
14 a Missouri pharmacist license shall not be required for a legally  
15 qualified pharmacist serving in the armed forces of the United States  
16 or a legally qualified pharmacist employed by the government of the

17 **United States or any bureau, division, or agency thereof who is engaged**  
18 **in the practice of pharmacy while in the discharge of his or her official**  
19 **duties.**

338.059. 1. It shall be the duty of a licensed pharmacist or a physician  
2 to affix or have affixed by someone under the pharmacist's or physician's  
3 supervision a label to each and every container provided to a consumer in which  
4 is placed any prescription drug upon which is typed or written the following  
5 information:

- 6 (1) The date the prescription is filled;
- 7 (2) The sequential number **or other unique identifier**;
- 8 (3) The patient's name;
- 9 (4) The prescriber's directions for usage;
- 10 (5) The prescriber's name;
- 11 (6) The name and address of the pharmacy;
- 12 (7) The exact name and dosage of the drug dispensed;
- 13 (8) There may be one line under the information provided in subdivisions  
14 (1) to (7) of this subsection stating "Refill" with a blank line or squares following  
15 or the words "No Refill";
- 16 (9) When a generic substitution is dispensed, the name of the  
17 manufacturer or an abbreviation thereof shall appear on the label or in the  
18 pharmacist's records as required in section 338.100.

19 2. The label of any drug which is sold at wholesale in this state and which  
20 requires a prescription to be dispensed at retail shall contain the name of the  
21 manufacturer, expiration date, if applicable, batch or lot number and national  
22 drug code.

**338.165. 1. As used in this section, the following terms mean:**

- 2 (1) **"Board", the Missouri board of pharmacy;**
- 3 (2) **"Hospital", a hospital as defined in section 197.020;**
- 4 (3) **"Hospital clinic or facility", a clinic or facility under the**  
5 **common control, management, or ownership of the same hospital or**  
6 **hospital system;**
- 7 (4) **"Medical staff committee", the committee or other body of a**  
8 **hospital or hospital system responsible for formulating policies**  
9 **regarding pharmacy services and medication management;**
- 10 (5) **"Medication order", an order for a legend drug or device that**  
11 **is:**
- 12 (a) **Authorized or issued by an authorized prescriber acting**

13 within the scope of his or her professional practice or pursuant to a  
14 protocol or standing order approved by the medical staff committee;  
15 and

16 (b) To be distributed or administered to the patient by a health  
17 care practitioner or lawfully authorized designee at a hospital or a  
18 hospital clinic or facility;

19 (6) "Patient", an individual receiving medical diagnosis,  
20 treatment, or care at a hospital or a hospital clinic or facility.

21 2. The department of health and senior services shall have sole  
22 authority and responsibility for the inspection and licensure of  
23 hospitals as provided by chapter 197 including, but not limited to, all  
24 parts, services, functions, support functions, and activities which  
25 contribute directly or indirectly to patient care of any kind  
26 whatsoever. However, the board may inspect a class B pharmacy or  
27 any portion thereof that is not under the inspection authority vested  
28 in the department of health and senior services by chapter 197 to  
29 determine compliance with this chapter or the rules of the board. This  
30 section shall not be construed to bar the board from conducting an  
31 investigation pursuant to a public or governmental complaint to  
32 determine compliance by an individual licensee or registrant of the  
33 board with any applicable provisions of this chapter or the rules of the  
34 board.

35 3. The department of health and senior services shall have  
36 authority to promulgate rules in conjunction with the board governing  
37 medication distribution and the provision of medication therapy  
38 services by a pharmacist at or within a hospital. Rules may include,  
39 but are not limited to, medication management, preparation,  
40 compounding, administration, storage, distribution, packaging and  
41 labeling. Until such rules are jointly promulgated, hospitals shall  
42 comply with all applicable state law and department of health and  
43 senior services rules governing pharmacy services and medication  
44 management in hospitals. The rulemaking authority granted herein to  
45 the department of health and senior services shall not include the  
46 dispensing of medication by prescription.

47 4. All pharmacists providing medication therapy services shall  
48 obtain a certificate of medication therapeutic plan authority as  
49 provided by rule of the board. Medication therapy services may be  
50 provided by a pharmacist for patients of a hospital pursuant to a

51 protocol with a physician as required by section 338.010 or pursuant to  
52 a protocol approved by the medical staff committee. However, the  
53 medical staff protocol shall include a process whereby an exemption to  
54 the protocol for a patient may be granted for clinical efficacy should  
55 the patient's physician make such request. The medical staff protocol  
56 shall also include an appeals process to request a change in specific  
57 protocol based on medical evidence presented by a physician on staff.

58         5. Medication may be dispensed by a class B hospital pharmacy  
59 pursuant to a prescription or a medication order.

60         6. A drug distributor license shall not be required to transfer  
61 medication from a class B hospital pharmacy to a hospital clinic or  
62 facility for patient care or treatment.

63         7. Medication dispensed by a class A pharmacy located in a  
64 hospital to a hospital patient for use or administration outside of the  
65 hospital under a medical staff-approved protocol for medication  
66 therapy shall be dispensed only by a prescription order for medication  
67 therapy from an individual physician for a specific patient.

68         8. Medication dispensed by a hospital to a hospital patient for  
69 use or administration outside of the hospital shall be labeled as  
70 provided by rules promulgated by the department of health and senior  
71 services and the board including, medication distributed for  
72 administration by or under the supervision of a health care  
73 practitioner at a hospital clinic or facility.

74         9. This section shall not be construed to preempt any law or rule  
75 governing controlled substances.

76         10. Any rule, as that term is defined in section 536.010, that is  
77 created under the authority delegated in this section shall only become  
78 effective if it complies with and is subject to all of the provisions of  
79 chapter 536 and, if applicable, section 536.028. This section and chapter  
80 536 are nonseverable, and if any of the powers vested with the general  
81 assembly under chapter 536 to review, to delay the effective date, or to  
82 disapprove and annul a rule are subsequently held unconstitutional,  
83 then the grant of rulemaking authority and any rule proposed or  
84 adopted after August 28, 2014, shall be invalid and void.

85         11. The board shall appoint an advisory committee to review and  
86 make recommendations to the board on the merit of all rules and  
87 regulations to be jointly promulgated by the board and the department  
88 of health and senior services pursuant to the joint rulemaking



89 authority granted by this section. The advisory committee shall consist  
90 of:

91 (1) Two representatives designated by the Missouri Hospital  
92 Association, one of whom shall be a pharmacist;

93 (2) One pharmacist designated by the Missouri Society of Health  
94 System Pharmacists;

95 (3) One pharmacist designated by the Missouri Pharmacy  
96 Association;

97 (4) One pharmacist designated by the department of health and  
98 senior services from a hospital with a licensed bed count that does not  
99 exceed fifty beds or from a critical access hospital as defined by the  
100 department of social services for purposes of MO HealthNet  
101 reimbursement;

102 (5) One pharmacist designated by the department of health and  
103 senior services from a hospital with a licensed bed count that exceeds  
104 two hundred beds; and

105 (6) One pharmacist designated by the board with experience in  
106 the provision of hospital pharmacy services.

107 12. Nothing in this section shall be construed to limit the  
108 authority of a licensed health care provider to prescribe, administer,  
109 or dispense medications and treatments within the scope of their  
110 professional practice.

338.220. 1. It shall be unlawful for any person, copartnership,  
2 association, corporation or any other business entity to open, establish, operate,  
3 or maintain any pharmacy as defined by statute without first obtaining a permit  
4 or license to do so from the Missouri board of pharmacy. A permit shall not be  
5 required for an individual licensed pharmacist to perform nondispensing activities  
6 outside of a pharmacy, as provided by the rules of the board. A permit shall not  
7 be required for an individual licensed pharmacist to administer drugs, vaccines,  
8 and biologicals by protocol, as permitted by law, outside of a pharmacy. The  
9 following classes of pharmacy permits or licenses are hereby established:

10 (1) Class A: Community/ambulatory;

11 (2) Class B: Hospital [outpatient] pharmacy;

12 (3) Class C: Long-term care;

13 (4) Class D: Nonsterile compounding;

14 (5) Class E: Radio pharmaceutical;

15 (6) Class F: Renal dialysis;

16 (7) Class G: Medical gas;

- 17 (8) Class H: Sterile product compounding;
- 18 (9) Class I: Consultant services;
- 19 (10) Class J: Shared service;
- 20 (11) Class K: Internet;
- 21 (12) Class L: Veterinary;
- 22 (13) Class M: Specialty (bleeding disorder);
- 23 (14) Class N: Automated dispensing system (health care facility);
- 24 (15) Class O: Automated dispensing system (ambulatory care);
- 25 (16) Class P: Practitioner office/clinic.

26 2. Application for such permit or license shall be made upon a form  
27 furnished to the applicant; shall contain a statement that it is made under oath  
28 or affirmation and that its representations are true and correct to the best  
29 knowledge and belief of the person signing same, subject to the penalties of  
30 making a false affidavit or declaration; and shall be accompanied by a permit or  
31 license fee. The permit or license issued shall be renewable upon payment of a  
32 renewal fee. Separate applications shall be made and separate permits or  
33 licenses required for each pharmacy opened, established, operated, or maintained  
34 by the same owner.

35 3. All permits, licenses or renewal fees collected pursuant to the  
36 provisions of sections 338.210 to 338.370 shall be deposited in the state treasury  
37 to the credit of the Missouri board of pharmacy fund, to be used by the Missouri  
38 board of pharmacy in the enforcement of the provisions of sections 338.210 to  
39 338.370, when appropriated for that purpose by the general assembly.

40 4. Class L: veterinary permit shall not be construed to prohibit or  
41 interfere with any legally registered practitioner of veterinary medicine in the  
42 compounding, administering, prescribing, or dispensing of their own  
43 prescriptions, or medicine, drug, or pharmaceutical product to be used for  
44 animals.

45 5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions  
46 of this section shall not apply to the sale, dispensing, or filling of a  
47 pharmaceutical product or drug used for treating animals.

48 **6. A "class B hospital pharmacy" shall be defined as a pharmacy**  
49 **owned, managed, or operated by a hospital as defined by section**  
50 **197.020 or a clinic or facility under common control, management, or**  
51 **ownership of the same hospital or hospital system. This section shall**  
52 **not be construed to require a class B hospital pharmacy permit or**  
53 **license for hospitals solely providing services within the practice of**

54 **pharmacy under the jurisdiction of, and the licensure granted by, the**  
55 **department of health and senior services under chapter 197.**

56 **7. Upon application to the board, any hospital that holds a**  
57 **pharmacy permit or license on the effective date of this section shall be**  
58 **entitled to obtain a class B pharmacy permit or license without fee,**  
59 **provided such application shall be submitted to the board on or before**  
60 **January 1, 2015.**

346.010. As used in sections 346.010 to 346.250, except as the context may  
2 require otherwise, the following terms mean:

3 (1) "Audiologist", a clinical audiologist licensed pursuant to chapter 345;

4 (2) "Board", the Missouri board of examiners for hearing instrument  
5 specialists, which is established in section 346.120;

6 (3) "Department", the department of insurance, financial institutions and  
7 professional registration;

8 (4) "Division", the division of professional registration;

9 (5) "Hearing instrument" or "hearing aid", any wearable instrument or  
10 device designed for or offered for the purpose of aiding or compensating for  
11 impaired human hearing and **that can provide more than fifteen decibel**  
12 **full-on gain via a two cc coupler at any single frequency from two**  
13 **hundred through six thousand cycles per second, and** any parts,  
14 attachments, or accessories, including earmold, but excluding batteries, cords,  
15 receivers and repairs;

16 (6) "Hearing instrument specialist" or "specialist", a person licensed by the  
17 state pursuant to sections 346.010 to 346.250 who is authorized to engage in the  
18 practice of fitting hearing instruments;

19 (7) "Hearing instrument specialist in-training", a person who holds a  
20 temporary permit issued by the division to fit hearing instruments under the  
21 supervision of a hearing instrument specialist;

22 (8) "License", a license issued by the state under sections 346.010 to  
23 346.250 to hearing instrument specialists;

24 (9) "Otolaryngologist", a person licensed to practice medicine and surgery  
25 in the state of Missouri pursuant to chapter 334 and who spends the majority of  
26 the person's practice seeing patients with ear, nose, and throat diseases;

27 (10) "Person", an individual, corporation, partnership, joint venture,  
28 association, trust or any other legal entity;

29 (11) "Practice of fitting hearing instruments", the selection, adaptation,  
30 and sale of hearing instruments, including the testing and evaluation of hearing

31 by means of an audiometer and the making of impressions for earmolds;

32 (12) "Registration of supervision", the process of obtaining a certificate of  
33 authority issued by the division to a hearing instrument specialist that enables  
34 the specialist to supervise one or more hearing instrument specialists in-training,  
35 as defined by division rules;

36 (13) "Sell or sale", any transfer of title or of the right to use by lease,  
37 bailment, or any other contract, excluding wholesale transactions with  
38 distributors or dealers;

39 (14) "Supervised training", the program of education and experience, as  
40 defined by division rule, required to be followed by each hearing instrument  
41 specialist in-training;

42 (15) "Supervisor", a hearing instrument specialist who has filed a  
43 registration of supervision with the board and has received from the division a  
44 certificate of authority;

45 (16) "Temporary permit", a permit issued by the division while the  
46 applicant is in training to become a licensed hearing instrument specialist.

346.055. 1. An applicant may obtain a license [by successfully passing a  
2 qualifying examination of the type described in sections 346.010 to 346.250,]  
3 provided the applicant:

4 (1) Is at least eighteen years of age; and

5 (2) Is of good moral character; and

6 (3) **Successfully passes a qualifying examination as described**  
7 **under sections 346.010 to 346.250; and**

8 (4) (a) Holds an associate's degree or higher, from a state or regionally  
9 accredited institution of higher education, in hearing instrument sciences; or

10 (b) Holds an associate's level degree or higher, from a state or regionally  
11 accredited institution of higher education[,] and submits proof of completion of  
12 the International Hearing Society's Distance Learning for Professionals in  
13 Hearing Health Sciences [course, and submits proof of completion of the Hearing  
14 Instrument Specialists in Training program as established by the Board of  
15 Examiners for Hearing Instrument Specialists] **Course; or**

16 (c) Holds a master's or doctoral degree in audiology from a state or  
17 regionally accredited institution; or

18 (d) Holds a current, unsuspended, unrevoked license from another  
19 jurisdiction if the standards for licensing in such other jurisdiction, as determined  
20 by the board, are substantially equivalent to or exceed those required in  
21 paragraph (a) or (b) of subdivision [(3)] (4) of this subsection; or

22 (e) Holds a current, unsuspended, unrevoked license from another  
23 jurisdiction, has been actively practicing as a licensed hearing aid fitter or  
24 dispenser in another jurisdiction for no less than forty-eight of the last  
25 seventy-two months, and submits proof of completion of advance certification from  
26 either the International Hearing Society or the National Board for Certification  
27 in Hearing Instrument Sciences.

28 2. The provisions of subsection 1 of this section shall not apply to any  
29 person holding a valid Missouri hearing instrument specialist license under this  
30 chapter when applying for the renewal of that license. These provisions shall  
31 apply to any person holding a hearing instrument specialist-in-training permit  
32 at the time of their application for licensure or renewal of said permit.

33 3. (1) The board shall promulgate reasonable standards and rules for the  
34 evaluation of applicants for purposes of determining the course of instruction and  
35 training required of each applicant for a hearing instrument specialist license  
36 under the requirement of subdivision (3) of subsection 1 of this section.

37 (2) Any rule or portion of a rule, as that term is defined in section  
38 536.010, that is created under the authority delegated in this section shall  
39 become effective only if it complies with and is subject to all of the provisions of  
40 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
41 nonseverable and if any of the powers vested with the general assembly pursuant  
42 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
43 a rule are subsequently held unconstitutional, then the grant of rulemaking  
44 authority and any rule proposed or adopted after August 28, 2013, shall be  
45 invalid and void.

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