

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 458, Page 1, Section A, Line 3, by inserting immediately after said line the
2 following:

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4 "338.200. 1. In the event a pharmacist is unable to obtain refill authorization from the
5 prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization
6 from the prescriber, a pharmacist may dispense an emergency supply of medication if:

7 (1) In the pharmacist's professional judgment, interruption of therapy might reasonably
8 produce undesirable health consequences;

9 (2) The pharmacy previously dispensed or refilled a prescription from the applicable
10 prescriber for the same patient and medication;

11 (3) The medication dispensed is not a controlled substance;

12 (4) The pharmacist informs the patient or the patient's agent either verbally, electronically, or
13 in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

14 (5) The pharmacist documents the emergency dispensing in the patient's prescription record,
15 as provided by the board by rule.

16 (6) Any requests for an emergency supply of medication dispensed by a pharmacist under
17 this section shall be determined by a pharmacist licensed under chapter 338.

18 2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the
19 amount dispensed shall be limited to the amount determined by the pharmacist within his or her
20 professional judgment as needed for the emergency period, provided the amount dispensed shall not
21 exceed a seven-day supply.

22 (2) In the event of prescriber death or incapacity or inability of the prescriber to provide
23 medical services, the amount dispensed shall not exceed a thirty-day supply.

24 3. Pharmacists or permit holders dispensing an emergency supply pursuant to this section
25 shall promptly notify the prescriber or the prescriber's office of the emergency dispensing, as
26 required by the board by rule.

27 4. An emergency supply may not be dispensed pursuant to this section if the pharmacist has
28 knowledge that the prescriber has otherwise prohibited or restricted emergency dispensing for the
29 applicable patient.

30 5. The board shall promulgate rules to implement the provisions of this section. Any rule or
31 portion of a rule, as that term is defined in section 536.010, that is created under the authority
32 delegated in this section shall become effective only if it complies with and is subject to all of the
33 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
34 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
35 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
36 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after

Action Taken _____ Date _____

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1 August 28, 2013, shall be invalid and void."; and

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4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.

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