

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 139,
2 Page 6, Section 208.798, Line 2, by inserting after all of said section and line the following:

3
4 "338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and
5 evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353;
6 receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the
7 designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by
8 the prescription order so long as the prescription order is specific to each patient for care by a
9 pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices
10 pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles,
11 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol
12 authorized by a physician for persons [~~twelve~~] seven years of age or older as recommended by the
13 Centers for Disease Control and Prevention and in accordance with the Advisory Committee on
14 Immunization Practices as authorized by rule or the administration of pneumonia, shingles, hepatitis
15 A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized
16 by a physician for a specific patient as authorized by rule; the participation in drug selection
17 according to state law and participation in drug utilization reviews; the proper and safe storage of
18 drugs and devices and the maintenance of proper records thereof; consultation with patients and
19 other health care practitioners, and veterinarians and their clients about legend drugs, about the safe
20 and effective use of drugs and devices; and the offering or performing of those acts, services,
21 operations, or transactions necessary in the conduct, operation, management and control of a
22 pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the
23 provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary
24 personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or
25 her duties. This assistance in no way is intended to relieve the pharmacist from his or her
26 responsibilities for compliance with this chapter and he or she will be responsible for the actions of
27 the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to
28 prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or
29 veterinary medicine only for use in animals, or the practice of optometry in accordance with and as
30 provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or
31 dispensing of his or her own prescriptions.

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

Action Taken _____ Date _____

1 section 334.735.

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

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

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

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

12 7. The state board of registration for the healing arts, under section 334.125, and the state
13 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
14 protocols for prescription orders for medication therapy services and administration of viral
15 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely
16 communication between the pharmacist and the referring physician, and any other patient protection
17 provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved
18 by a majority vote of a quorum of each board. Neither board shall separately promulgate rules
19 regulating the use of protocols for prescription orders for medication therapy services and
20 administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in
21 section 536.010, that is created under the authority delegated in this section shall become effective
22 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
23 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
24 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
25 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

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

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

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

45 12. In addition to other requirements established by the joint promulgation of rules by the
46 board of pharmacy and the state board of registration for the healing arts:

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

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

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

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

9 (1) The identity of the patient;

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

11 (3) The route of administration;

12 (4) The anatomic site of the administration;

13 (5) The dose administered; and

14 (6) The date of administration."; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.