

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 106, Page 13, Section 208.662, Line 92, by inserting after all of said section and line
3 the following:
4

5 "338.010. 1. The "practice of pharmacy" ~~[means]~~ includes:

6 (1) The interpretation, implementation, and evaluation of medical prescription orders,
7 including any legend drugs under 21 U.S.C. Section 353[;], and the receipt, transmission, or
8 handling of such orders or facilitating the dispensing of such orders;

9 (2) The designing, initiating, implementing, and monitoring of a medication therapeutic plan
10 [as defined by the prescription order so long as the prescription order is specific to each patient for
11 care by a pharmacist] in accordance with the provisions of this section;

12 (3) The compounding, dispensing, labeling, and administration of drugs and devices
13 pursuant to medical prescription orders [and administration of viral influenza, pneumonia, shingles,
14 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol
15 authorized by a physician for persons at least seven years of age or the age recommended by the
16 Centers for Disease Control and Prevention, whichever is higher, or the administration of
17 pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral
18 influenza vaccines by written protocol authorized by a physician for a specific patient as authorized
19 by rule];

20 (4) The ordering and administration of vaccines approved or authorized by the U.S. Food
21 and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis,
22 typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis, dengue, Hib, polio,
23 rotavirus, smallpox, and any vaccine approved after January 1, 2023, to persons at least seven years
24 of age or the age recommended by the Centers for Disease Control and Prevention, whichever is
25 older, pursuant to joint promulgation of rules established by the board of pharmacy and the state
26 board of registration for the healing arts unless rules are established under a state of emergency as
27 described in section 44.100;

28 (5) The participation in drug selection according to state law and participation in drug
29 utilization reviews;

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(6) The proper and safe storage of drugs and devices and the maintenance of proper records thereof;

(7) Consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices;

(8) The prescribing and dispensing of any nicotine replacement therapy product under section 338.665;

(9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and

(10) The offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy.

2. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter.

3. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance.

4. This chapter shall ~~[also]~~ not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

~~[2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services.]~~

5. A pharmacist with a certificate of medication therapeutic plan authority may provide medication therapy services pursuant to a written protocol from a physician licensed under chapter 334 to patients who have established a physician-patient relationship, as described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician. The written protocol ~~[and the prescription order for a medication therapeutic plan]~~ authorized by this section shall come only from the physician ~~[only,]~~ and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

~~[3.]~~ 6. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

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

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

1 ~~[6-]~~ 9. This section shall not be construed to allow a pharmacist to diagnose or
 2 independently prescribe pharmaceuticals.

3 ~~[7-]~~ 10. The state board of registration for the healing arts, under section 334.125, and the
 4 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
 5 protocols ~~[for prescription orders]~~ for medication therapy services ~~[and administration of viral~~
 6 ~~influenza vaccines]~~. Such rules shall require protocols to include provisions allowing for timely
 7 communication between the pharmacist and the ~~[referring]~~ protocol physician or similar body
 8 authorized by this section, and any other patient protection provisions deemed appropriate by both
 9 boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each
 10 board. Neither board shall separately promulgate rules regulating the use of protocols for
 11 ~~[prescription orders for]~~ medication therapy services ~~[and administration of viral influenza~~
 12 ~~vaccines]~~. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 13 under the authority delegated in this section shall become effective only if it complies with and is
 14 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 15 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 16 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 17 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 18 August 28, 2007, shall be invalid and void.

19 ~~[8-]~~ 11. The state board of pharmacy may grant a certificate of medication therapeutic plan
 20 authority to a licensed pharmacist who submits proof of successful completion of a board-approved
 21 course of academic clinical study beyond a bachelor of science in pharmacy, including but not
 22 limited to clinical assessment skills, from a nationally accredited college or university, or a
 23 certification of equivalence issued by a nationally recognized professional organization and
 24 approved by the board of pharmacy.

25 ~~[9-]~~ 12. Any pharmacist who has received a certificate of medication therapeutic plan
 26 authority may engage in the designing, initiating, implementing, and monitoring of a medication
 27 therapeutic plan as defined by a ~~[prescription order]~~ written protocol from a physician that ~~[is]~~ may
 28 be specific to each patient for care by a pharmacist.

29 ~~[10-]~~ 13. Nothing in this section shall be construed to allow a pharmacist to make a
 30 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the
 31 written protocol or the physician's prescription order.

32 ~~[11-]~~ 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary
 33 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an
 34 equivalent title means a person who has received a doctor's degree in veterinary medicine from an
 35 accredited school of veterinary medicine or holds an Educational Commission for Foreign
 36 Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association
 37 (AVMA).

38 ~~[12-]~~ 15. In addition to other requirements established by the joint promulgation of rules by
 39 the board of pharmacy and the state board of registration for the healing arts:

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

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

~~[(3)]~~ 16. In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

~~[43.]~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

18. A pharmacist licensed under this chapter may order and administer vaccines approved or authorized by the U.S. Food and Drug Administration to address a public health need, as lawfully authorized by the state or federal government, or a department or agency thereof, during a state or federally declared public health emergency.

338.012. 1. A pharmacist with a certificate of medication therapeutic plan authority may provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the director or chief medical officer of the department of health and senior services if that person is a licensed physician, or a licensed physician designated by the department of health and senior services.

2. The state board of registration for the healing arts, pursuant to section 334.125, and the state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and

1 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
2 rule proposed or adopted after August 28, 2023, shall be invalid and void."; and

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4 Further amend said bill, Page 34, Section 632.305, Line 16, by inserting after the word "affidavits,"
5 the words "declarations, or other supporting documentation"; and

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7 Further amend said bill and section, Page 35, Lines 46 and 47, by deleting all of said lines and
8 inserting in lieu thereof the following:

9 "5. ~~[Any oath required by the provisions of this section]~~ No notarization shall be required
10 for an application or for any affidavits, declarations, or other documents supporting an application.
11 The application and any affidavits, declarations, or other documents supporting the application shall
12 be subject to the provisions of section 492.060 allowing for declaration under penalty of perjury.";
13 and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.