

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 198, Page 1, Section A, Line 2, by
2 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 the 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 at least seven years of age or the age recommended by the
13 Centers for Disease Control and Prevention, whichever is higher, or the administration of
14 pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral
15 influenza vaccines by written protocol authorized by a physician for a specific patient as authorized
16 by rule; the participation in drug selection according to state law and participation in drug utilization
17 reviews; the proper and safe storage of drugs and devices and the maintenance of proper records
18 thereof; consultation with patients and other health care practitioners, and veterinarians and their
19 clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and
20 dispensing of any nicotine replacement therapy product under section 338.665; the dispensing of
21 HIV postexposure prophylaxis pursuant to section 338.730; the dispensing of self-administered
22 hormonal contraceptives under section 338.720; and the offering or performing of those acts,
23 services, operations, or transactions necessary in the conduct, operation, management and control of
24 a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under
25 the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary
26 personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or
27 her duties. This assistance in no way is intended to relieve the pharmacist from his or her
28 responsibilities for compliance with this chapter and he or she will be responsible for the actions of
29 the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to
30 prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or

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1 veterinary medicine only for use in animals, or the practice of optometry in accordance with and as
2 provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or
3 dispensing of his or her own prescriptions.

4 2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall
5 have a written protocol from the physician who refers the patient for medication therapy services.
6 The written protocol and the prescription order for a medication therapeutic plan shall come from
7 the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement
8 under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement
9 under section 334.735.

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

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

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

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

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

35 8. The state board of pharmacy may grant a certificate of medication therapeutic plan
36 authority to a licensed pharmacist who submits proof of successful completion of a board-approved
37 course of academic clinical study beyond a bachelor of science in pharmacy, including but not
38 limited to clinical assessment skills, from a nationally accredited college or university, or a

1 certification of equivalence issued by a nationally recognized professional organization and
2 approved by the board of pharmacy.

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

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

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

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

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

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

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

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

32 (1) The identity of the patient;

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

34 (3) The route of administration;

35 (4) The anatomic site of the administration;

36 (5) The dose administered; and

37 (6) The date of administration.

38 338.720. 1. For purposes of this section, "self-administered hormonal contraceptive" shall
39 mean a drug composed of a combination of hormones that is approved by the Food and Drug

1 Administration to prevent pregnancy and that the patient to whom the drug is prescribed self-
2 administers.

3 2. A pharmacist may dispense self-administered hormonal contraceptives to any person
4 under a prescription order for medication therapy services as described in section 338.010. A
5 prescription order for a self-administered hormonal contraceptive shall have no expiration date.

6 3. The board of pharmacy, under section 338.140, and the board of registration for the
7 healing arts, under section 334.125, shall jointly promulgate rules regulating the use of protocols for
8 prescription orders for self-administered hormonal contraceptives. Any rule or portion of a rule, as
9 that term is defined in section 536.010, that is created under the authority delegated in this section
10 shall become effective only if it complies with and is subject to all of the provisions of chapter 536
11 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
12 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
13 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
14 rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and
15 void.

16 4. The rules adopted under this section shall require a pharmacist to:

17 (1) Complete a training program approved by the board of pharmacy that is related to
18 dispensing self-administered hormonal contraceptives under this section;

19 (2) Provide a self-screening risk assessment tool that the patient shall use prior to the
20 pharmacist's dispensing the self-administered hormonal contraceptive under this section;

21 (3) Provide the patient with a written record of the self-administered hormonal contraceptive
22 dispensed and advise the patient to consult with a health care provider; and

23 (4) Dispense the self-administered hormonal contraceptive to the patient as soon as
24 practicable.

25 5. All state and federal laws governing insurance coverage of contraceptive drugs, devices,
26 products, and services shall apply to self-administered hormonal contraceptives dispensed by a
27 pharmacist under this section.

28 6. The provisions of this section shall terminate upon the enactment of any laws allowing
29 the provision of hormonal contraceptives from a pharmacist without a prescription.

30 7. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
31 substitution of a pharmaceutical prescribed by a health care provider unless authorized by the
32 written protocol or the health care provider's written prescription order."; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.