

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill
2 No. 70, Page 101, Section 337.1075, Line 10, by inserting after all of said section and line the following:
3

4 "338.010. 1. The "practice of pharmacy" ~~[means]~~ includes:

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

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

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

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

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

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

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

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1 (8) The prescribing and dispensing of any nicotine replacement therapy product under section
2 338.665;

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

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

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

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

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

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

25 ~~[3.]~~ 6. Nothing in this section shall be construed as to prevent any person, firm or corporation from
26 owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in
27 charge of such pharmacy.

28 ~~[4.]~~ 7. Nothing in this section shall be construed to apply to or interfere with the sale of
29 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold
30 by those engaged in the sale of general merchandise.

31 ~~[5.]~~ 8. No health carrier as defined in chapter 376 shall require any physician with which they
32 contract to enter into a written protocol with a pharmacist for medication therapeutic services.

33 ~~[6.]~~ 9. This section shall not be construed to allow a pharmacist to diagnose or independently
34 prescribe pharmaceuticals.

35 ~~[7.]~~ 10. The state board of registration for the healing arts, under section 334.125, and the state board
36 of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols ~~[for~~
37 ~~prescription orders]~~ for medication therapy services ~~[and administration of viral influenza vaccines]~~. Such
38 rules shall require protocols to include provisions allowing for timely communication between the pharmacist
39 and the ~~[referring]~~ protocol physician or similar body authorized by this section, and any other patient

1 protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be
 2 approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules
 3 regulating the use of protocols for ~~[prescription orders for]~~ medication therapy services ~~[and administration of~~
 4 ~~viral influenza vaccines]~~. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 5 created under the authority delegated in this section shall become effective only if it complies with and is
 6 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
 7 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
 8 review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
 9 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be
 10 invalid and void.

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

16 ~~[9-]~~ 12. Any pharmacist who has received a certificate of medication therapeutic plan authority may
 17 engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined
 18 by a ~~[prescription order]~~ written protocol from a physician that ~~[is]~~ may be specific to each patient for care by
 19 a pharmacist.

20 ~~[10-]~~ 13. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
 21 substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the
 22 physician's prescription order.

23 ~~[11-]~~ 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine",
 24 "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a
 25 person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary
 26 medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued
 27 by the American Veterinary Medical Association (AVMA).

28 ~~[12-]~~ 15. In addition to other requirements established by the joint promulgation of rules by the board
 29 of pharmacy and the state board of registration for the healing arts:

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

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

35 ~~[(3)]~~ 16. In addition to other requirements by the board, a pharmacist shall receive additional
 36 training as required by the board and evidenced by receiving a certificate from the board upon completion,
 37 and shall display the certification in his or her pharmacy where vaccines are delivered.

38 ~~[13-]~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will be
 39 entered into the ShowMeVax system, as administered by the department of health and senior services. The

1 patient shall attest to the inclusion of such information in the system by signing a form provided by the
2 pharmacist. If the patient indicates that he or she does not want such information entered into the
3 ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a
4 vaccine to the patient's health care provider, if provided by the patient, containing:

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

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

15 338.012. 1. A pharmacist with a certificate of medication therapeutic plan authority may provide
16 influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide
17 standing order issued by the director or chief medical officer of the department of health and senior services if
18 that person is a licensed physician, or a licensed physician designated by the department of health and senior
19 services.

20 2. The state board of registration for the healing arts, pursuant to section 334.125, and the state board
21 of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement the provisions of this
22 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
23 authority delegated in this section shall become effective only if it complies with and is subject to all of the
24 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
25 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
26 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
27 rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void."; and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.