

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 157, Page 124, Section 337.1075, Line 10, by inserting after 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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1 (6) The proper and safe storage of drugs and devices and the maintenance of proper records
2 thereof;

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

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

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

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

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

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

17 4. This chapter shall ~~[also]~~ not be construed to prohibit or interfere with any legally
18 registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in
19 animals, or the practice of optometry in accordance with and as provided in sections 195.070 and
20 336.220 in the compounding, administering, prescribing, or dispensing of his or her own
21 prescriptions.

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

24 5. A pharmacist with a certificate of medication therapeutic plan authority may provide
25 medication therapy services pursuant to a written protocol from a physician licensed under chapter
26 334 to patients who have established a physician-patient relationship, as described in subdivision (1)
27 of subsection 1 of section 191.1146, with the protocol physician. The written protocol ~~[and the~~
28 ~~prescription order for a medication therapeutic plan]~~ authorized by this section shall come only from
29 the physician ~~[only,]~~ and shall not come from a nurse engaged in a collaborative practice
30 arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice
31 arrangement under section 334.735.

32 ~~[3.]~~ 6. Nothing in this section shall be construed as to prevent any person, firm or
33 corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a
34 licensed pharmacist is in charge of such pharmacy.

35 ~~[4.]~~ 7. Nothing in this section shall be construed to apply to or interfere with the sale of
36 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are
37 normally sold by those engaged in the sale of general merchandise.

38 ~~[5.]~~ 8. No health carrier as defined in chapter 376 shall require any physician with which
39 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 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment
2 guidelines established by the Centers for Disease Control and Prevention (CDC);

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

6 ~~[(3)]~~ 16. In addition to other requirements by the board, a pharmacist shall receive
7 additional training as required by the board and evidenced by receiving a certificate from the board
8 upon completion, and shall display the certification in his or her pharmacy where vaccines are
9 delivered.

10 ~~[43-]~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will
11 be entered into the ShowMeVax system, as administered by the department of health and senior
12 services. The patient shall attest to the inclusion of such information in the system by signing a
13 form provided by the pharmacist. If the patient indicates that he or she does not want such
14 information entered into the ShowMeVax system, the pharmacist shall provide a written report
15 within fourteen days of administration of a vaccine to the patient's health care provider, if provided
16 by the patient, containing:

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

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

27 338.012. 1. A pharmacist with a certificate of medication therapeutic plan authority may
28 provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a
29 statewide standing order issued by the director or chief medical officer of the department of health
30 and senior services if that person is a licensed physician, or a licensed physician designated by the
31 department of health and senior services.

32 2. The state board of registration for the healing arts, pursuant to section 334.125, and the
33 state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement
34 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
35 536.010, that is created under the authority delegated in this section shall become effective only if it
36 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
37 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
38 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
39 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
40 rule proposed or adopted after August 28, 2023, shall be invalid and void."; and

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- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.