

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 348, 285 & 407, Page 18, Section
2 334.1720, Line 11, 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,
6 including any legend drugs under 21 U.S.C. Section 353[~~;~~], and the receipt, transmission, or
7 handling of such orders or facilitating the dispensing of such orders;

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

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

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

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

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

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

30 ~~[3.]~~ 6. Nothing in this section shall be construed as to prevent any person, firm or
31 corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a
32 licensed pharmacist is in charge of such pharmacy.

33 ~~[4.]~~ 7. Nothing in this section shall be construed to apply to or interfere with the sale of
34 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are
35 normally sold by those engaged in the sale of general merchandise.

36 ~~[5.]~~ 8. No health carrier as defined in chapter 376 shall require any physician with which
37 they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

38 ~~[6.]~~ 9. This section shall not be construed to allow a pharmacist to diagnose or
39 independently prescribe pharmaceuticals.

1 ~~[7-]~~ 10. The state board of registration for the healing arts, under section 334.125, and the
2 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
3 protocols ~~[for prescription orders]~~ for medication therapy services ~~[and administration of viral~~
4 ~~influenza vaccines]~~. Such rules shall require protocols to include provisions allowing for timely
5 communication between the pharmacist and the ~~[referring]~~ protocol physician or similar body
6 authorized by this section, and any other patient protection provisions deemed appropriate by both
7 boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each
8 board. Neither board shall separately promulgate rules regulating the use of protocols for
9 ~~[prescription orders for]~~ medication therapy services ~~[and administration of viral influenza~~
10 ~~vaccines]~~. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
11 under the authority delegated in this section shall become effective only if it complies with and is
12 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
13 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
14 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
15 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
16 August 28, 2007, shall be invalid and void.

17 ~~[8-]~~ 11. The state board of pharmacy may grant a certificate of medication therapeutic plan
18 authority to a licensed pharmacist who submits proof of successful completion of a board-approved
19 course of academic clinical study beyond a bachelor of science in pharmacy, including but not
20 limited to clinical assessment skills, from a nationally accredited college or university, or a
21 certification of equivalence issued by a nationally recognized professional organization and
22 approved by the board of pharmacy.

23 ~~[9-]~~ 12. Any pharmacist who has received a certificate of medication therapeutic plan
24 authority may engage in the designing, initiating, implementing, and monitoring of a medication
25 therapeutic plan as defined by a ~~[prescription order]~~ written protocol from a physician that ~~[is]~~ may
26 be specific to each patient for care by a pharmacist.

27 ~~[10-]~~ 13. Nothing in this section shall be construed to allow a pharmacist to make a
28 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the
29 written protocol or the physician's prescription order.

30 ~~[11-]~~ 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary
31 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an
32 equivalent title means a person who has received a doctor's degree in veterinary medicine from an
33 accredited school of veterinary medicine or holds an Educational Commission for Foreign
34 Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association
35 (AVMA).

36 ~~[12-]~~ 15. In addition to other requirements established by the joint promulgation of rules by
37 the board of pharmacy and the state board of registration for the healing arts:

38 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment
39 guidelines 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)]~~ 16. In addition to other requirements by the board, a pharmacist shall receive
5 additional training as required by the board and evidenced by receiving a certificate from the board
6 upon completion, and shall display the certification in his or her pharmacy where vaccines are
7 delivered.

8 ~~[43-]~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will
9 be entered into the ShowMeVax system, as administered by the department of health and senior
10 services. The patient shall attest to the inclusion of such information in the system by signing a
11 form provided by the pharmacist. If the patient indicates that he or she does not want such
12 information entered into the ShowMeVax system, the pharmacist shall provide a written report
13 within fourteen days of administration of a vaccine to the patient's health care provider, if provided
14 by the patient, containing:

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

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

25 338.012. 1. A pharmacist with a certificate of medication therapeutic plan authority may
26 provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a
27 statewide standing order issued by the director or chief medical officer of the department of health
28 and senior services if that person is a licensed physician, or a licensed physician designated by the
29 department of health and senior services.

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

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