

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 862, Page 40,
2 Section 337.618, Line 16, by inserting after all of said section and line the following:

3
4 "338.010. 1. The "practice of pharmacy" 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 handling
7 of such orders or facilitating the dispensing of such orders;

8 (2) The designing, initiating, implementing, and monitoring of a medication therapeutic plan
9 in accordance with the provisions of this section;

10 (3) The compounding, dispensing, labeling, and administration of drugs and devices
11 pursuant to medical prescription orders;

12 (4) The ordering and administration of vaccines approved or authorized by the U.S. Food
13 and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis,
14 typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis, dengue, Hib, polio,
15 rotavirus, smallpox, chikungunya, and any vaccine approved after January 1, [2023] 2024, to
16 persons at least seven years of age or the age recommended by the Centers for Disease Control and
17 Prevention, whichever is older, pursuant to joint promulgation of rules established by the board of
18 pharmacy and the state board of registration for the healing arts unless rules are established under a
19 state of emergency as described in section 44.100;

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

12 5. A pharmacist with a certificate of medication therapeutic plan authority may provide
13 medication therapy services pursuant to a written protocol from a physician licensed under chapter
14 334 to patients who have established a physician-patient relationship, as described in subdivision (1)
15 of subsection 1 of section 191.1146, with the protocol physician. The written protocol authorized by
16 this section shall come only from the physician and shall not come from a nurse engaged in a
17 collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a
18 collaborative practice arrangement under section 334.735.

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

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

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

27 9. This section shall not be construed to allow a pharmacist to diagnose or independently
28 prescribe pharmaceuticals.

29 10. The state board of registration for the healing arts, under section 334.125, and the state
30 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
31 protocols for medication therapy services. Such rules shall require protocols to include provisions
32 allowing for timely communication between the pharmacist and the protocol physician or similar
33 body authorized by this section, and any other patient protection provisions deemed appropriate by
34 both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of
35 each board. Neither board shall separately promulgate rules regulating the use of protocols for
36 medication therapy services. Any rule or portion of a rule, as that term is defined in section
37 536.010, that is created under the authority delegated in this section shall become effective only if it
38 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
39 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the

1 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
2 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
3 rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

10 12. Any pharmacist who has received a certificate of medication therapeutic plan authority
11 may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic
12 plan as defined by a written protocol from a physician that may be specific to each patient for care
13 by a pharmacist.

14 13. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
15 substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol
16 or the physician's prescription order.

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

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

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

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

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

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

39 (1) The identity of the patient;

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

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

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.