

SECOND REGULAR SESSION

HOUSE BILL NO. 2879

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

5855H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 338.010, RSMo, and to enact in lieu thereof one new section relating to the administration of vaccines by pharmacists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 338.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 338.010, to read as follows:

338.010. 1. The "practice of pharmacy" includes:

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

36 4. This chapter shall not be construed to prohibit or interfere with any legally
37 registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use
38 in animals, or the practice of optometry in accordance with and as provided in sections
39 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or
40 her own prescriptions.

41 5. A pharmacist with a certificate of medication therapeutic plan authority may
42 provide medication therapy services pursuant to a written protocol from a physician licensed
43 under chapter 334 to patients who have established a physician-patient relationship, as
44 described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician.
45 The written protocol authorized by this section shall come only from the physician and shall
46 not come from a nurse engaged in a collaborative practice arrangement under section
47 334.104, or from a physician assistant engaged in a collaborative practice arrangement under
48 section 334.735.

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

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

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

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

60 10. The state board of registration for the healing arts, under section 334.125, and the
61 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the
62 use of protocols for medication therapy services. Such rules shall require protocols to include
63 provisions allowing for timely communication between the pharmacist and the protocol
64 physician or similar body authorized by this section, and any other patient protection
65 provisions deemed appropriate by both boards. In order to take effect, such rules shall be
66 approved by a majority vote of a quorum of each board. Neither board shall separately
67 promulgate rules regulating the use of protocols for medication therapy services. Any rule or
68 portion of a rule, as that term is defined in section 536.010, that is created under the authority
69 delegated in this section shall become effective only if it complies with and is subject to all of
70 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
71 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
72 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
73 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
74 proposed or adopted after August 28, 2007, shall be invalid and void.

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

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

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

88 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary
89 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or
90 an equivalent title means a person who has received a doctor's degree in veterinary medicine
91 from an accredited school of veterinary medicine or holds an Educational Commission for

92 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary
93 Medical Association (AVMA).

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

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

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

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

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

112 (1) The identity of the patient;

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

114 (3) The route of administration;

115 (4) The anatomic site of the administration;

116 (5) The dose administered; and

117 (6) The date of administration.

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

✓