

SECOND REGULAR SESSION

HOUSE BILL NO. 1683

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOENIG (Sponsor), BURLISON, WIELAND,
REDMON AND MOON (Co-sponsors).

5304H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 338.010, RSMo, and to enact in lieu thereof one new section relating to pharmacist-provided vaccinations.

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Section A. Section 338.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 338.010, to read as follows: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" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of [viral influenza, pneumonia, shingles and meningitis vaccines] **any vaccine on the Centers for Disease Control and Prevention's adolescent or adult immunization schedule** by written protocol authorized by a physician for persons [twelve] **seven** years of age or older [as authorized by rule or the administration of pneumonia, shingles, and meningitis vaccines by written protocol authorized by a physician for a specific patient] as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts,

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.

17 services, operations, or transactions necessary in the conduct, operation, management and control
18 of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under
19 the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary
20 personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of
21 his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her
22 responsibilities for compliance with this chapter and he or she will be responsible for the actions
23 of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed
24 to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry,
25 or veterinary medicine only for use in animals, or the practice of optometry in accordance with
26 and as provided in sections 195.070 and 336.220 in the compounding, administering,
27 prescribing, or dispensing of his or her own prescriptions.

28 2. Any pharmacist who accepts a prescription order for a medication therapeutic plan
29 shall have a written protocol from the physician who refers the patient for medication therapy
30 services. The written protocol and the prescription order for a medication therapeutic plan shall
31 come from the physician only, and shall not come from a nurse engaged in a collaborative
32 practice arrangement under section 334.104, or from a physician assistant engaged in a
33 supervision agreement under section 334.735.

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

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

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

42 6. This section shall not be construed to allow a pharmacist to diagnose or independently
43 prescribe pharmaceuticals.

44 7. The state board of registration for the healing arts, under section 334.125, and the state
45 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
46 protocols for prescription orders for medication therapy services and administration of viral
47 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely
48 communication between the pharmacist and the referring physician, and any other patient
49 protection provisions deemed appropriate by both boards. In order to take effect, such rules shall
50 be approved by a majority vote of a quorum of each board. Neither board shall separately
51 promulgate rules regulating the use of protocols for prescription orders for medication therapy
52 services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term

53 is defined in section 536.010, that is created under the authority delegated in this section shall
54 become effective only if it complies with and is subject to all of the provisions of chapter 536
55 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
56 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
57 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
58 grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be
59 invalid and void.

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

66 9. Any pharmacist who has received a certificate of medication therapeutic plan authority
67 may engage in the designing, initiating, implementing, and monitoring of a medication
68 therapeutic plan as defined by a prescription order from a physician that is specific to each
69 patient for care by a pharmacist.

70 10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
71 substitution of a pharmaceutical prescribed by a physician unless authorized by the written
72 protocol or the physician's prescription order.

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

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