

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 2, Line 18, by inserting after all of said line the following:

"Further amend said bill, Page 10, Section 221.065, Line 12, by inserting after all of said line and section the following:

"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, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; and the administration of vaccines for the prevention of COVID-19 as authorized or approved by the United States Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Center for Disease Control and Prevention; the administration of vaccines in a pharmacy shall not be delegated to a person who is not a licensed pharmacist under this chapter; 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; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her

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

6 2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall
7 have a written protocol from the physician who refers the patient for medication therapy services.
8 The written protocol and the prescription order for a medication therapeutic plan shall come from
9 the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement
10 under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement
11 under section 334.735.

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

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

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

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

22 7. The state board of registration for the healing arts, under section 334.125, and the state
23 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
24 protocols for prescription orders for medication therapy services and administration of viral
25 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely
26 communication between the pharmacist and the referring physician, and any other patient protection
27 provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved
28 by a majority vote of a quorum of each board. Neither board shall separately promulgate rules
29 regulating the use of protocols for prescription orders for medication therapy services and
30 administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in
31 section 536.010, that is created under the authority delegated in this section shall become effective
32 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
33 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
34 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
35 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
36 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

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

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

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

6 12. In addition to other requirements established by the joint promulgation of rules by the
7 board of pharmacy and the state board of registration for the healing arts:

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

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

13 (3) In addition to other requirements by the board, a pharmacist shall receive additional
14 training as required by the board and evidenced by receiving a certificate from the board upon
15 completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

16 13. A pharmacist shall inform the patient that the administration of the vaccine will be
17 entered into the ShowMeVax system, as administered by the department of health and senior
18 services. The patient shall attest to the inclusion of such information in the system by signing a
19 form provided by the pharmacist. If the patient indicates that he or she does not want such
20 information entered into the ShowMeVax system, the pharmacist shall provide a written report
21 within fourteen days of administration of a vaccine to the patient's primary health care provider, if
22 provided by the patient, containing:

23 (1) The identity of the patient;

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

25 (3) The route of administration;

26 (4) The anatomic site of the administration;

27 (5) The dose administered; and

28 (6) The date of administration."; and"; and
29

30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.
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33 THIS AMENDS 1874H04.32H