

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend House Bill No. 476, Page 3, Section 324.009, Line 80,

2 by inserting after all of said line the following;

3 "338.010. 1. The "practice of pharmacy" means the
4 interpretation, implementation, and evaluation of medical
5 prescription orders, including any legend drugs under 21
6 U.S.C. Section 353; receipt, transmission, or handling of
7 such orders or facilitating the dispensing of such orders;
8 the designing, initiating, implementing, and monitoring of a
9 medication therapeutic plan as defined by the prescription
10 order so long as the prescription order is specific to each
11 patient for care by a pharmacist; the compounding,
12 dispensing, labeling, and administration of drugs and
13 devices pursuant to medical prescription orders and
14 administration of viral influenza, pneumonia, shingles,
15 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis,
16 and meningitis vaccines by written protocol authorized by a
17 physician for persons at least seven years of age or the age
18 recommended by the Centers for Disease Control and
19 Prevention, whichever is higher, or the administration of
20 pneumonia, shingles, hepatitis A, hepatitis B, diphtheria,
21 tetanus, pertussis, meningitis, and viral influenza vaccines
22 by written protocol authorized by a physician for a specific
23 patient as authorized by rule; the participation in drug
24 selection according to state law and participation in drug
25 utilization reviews; the proper and safe storage of drugs
26 and devices and the maintenance of proper records thereof;

27 consultation with patients and other health care
28 practitioners, and veterinarians and their clients about
29 legend drugs, about the safe and effective use of drugs and
30 devices; the prescribing and dispensing of any nicotine
31 replacement therapy product under section 338.665; the
32 dispensing of HIV postexposure prophylaxis pursuant to
33 section 338.730; and the offering or performing of those
34 acts, services, operations, or transactions necessary in the
35 conduct, operation, management and control of a pharmacy.
36 No person shall engage in the practice of pharmacy unless he
37 or she is licensed under the provisions of this chapter.
38 This chapter shall not be construed to prohibit the use of
39 auxiliary personnel under the direct supervision of a
40 pharmacist from assisting the pharmacist in any of his or
41 her duties. This assistance in no way is intended to
42 relieve the pharmacist from his or her responsibilities for
43 compliance with this chapter and he or she will be
44 responsible for the actions of the auxiliary personnel
45 acting in his or her assistance. This chapter shall also
46 not be construed to prohibit or interfere with any legally
47 registered practitioner of medicine, dentistry, or podiatry,
48 or veterinary medicine only for use in animals, or the
49 practice of optometry in accordance with and as provided in
50 sections 195.070 and 336.220 in the compounding,
51 administering, prescribing, or dispensing of his or her own
52 prescriptions.

53 2. Any pharmacist who accepts a prescription order for
54 a medication therapeutic plan shall have a written protocol
55 from the physician who refers the patient for medication
56 therapy services. The written protocol and the prescription
57 order for a medication therapeutic plan shall come from the
58 physician only, and shall not come from a nurse engaged in a
59 collaborative practice arrangement under section 334.104, or

60 from a physician assistant engaged in a collaborative
61 practice arrangement under section 334.735.

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

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

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

75 6. This section shall not be construed to allow a
76 pharmacist to diagnose or independently prescribe
77 pharmaceuticals.

78 7. The state board of registration for the healing
79 arts, under section 334.125, and the state board of
80 pharmacy, under section 338.140, shall jointly promulgate
81 rules regulating the use of protocols for prescription
82 orders for medication therapy services and administration of
83 viral influenza vaccines. Such rules shall require
84 protocols to include provisions allowing for timely
85 communication between the pharmacist and the referring
86 physician, and any other patient protection provisions
87 deemed appropriate by both boards. In order to take effect,
88 such rules shall be approved by a majority vote of a quorum
89 of each board. Neither board shall separately promulgate
90 rules regulating the use of protocols for prescription
91 orders for medication therapy services and administration of
92 viral influenza vaccines. Any rule or portion of a rule, as

93 that term is defined in section 536.010, that is created
94 under the authority delegated in this section shall become
95 effective only if it complies with and is subject to all of
96 the provisions of chapter 536 and, if applicable, section
97 536.028. This section and chapter 536 are nonseverable and
98 if any of the powers vested with the general assembly
99 pursuant to chapter 536 to review, to delay the effective
100 date, or to disapprove and annul a rule are subsequently
101 held unconstitutional, then the grant of rulemaking
102 authority and any rule proposed or adopted after August 28,
103 2007, shall be invalid and void.

104 8. The state board of pharmacy may grant a certificate
105 of medication therapeutic plan authority to a licensed
106 pharmacist who submits proof of successful completion of a
107 board-approved course of academic clinical study beyond a
108 bachelor of science in pharmacy, including but not limited
109 to clinical assessment skills, from a nationally accredited
110 college or university, or a certification of equivalence
111 issued by a nationally recognized professional organization
112 and approved by the board of pharmacy.

113 9. Any pharmacist who has received a certificate of
114 medication therapeutic plan authority may engage in the
115 designing, initiating, implementing, and monitoring of a
116 medication therapeutic plan as defined by a prescription
117 order from a physician that is specific to each patient for
118 care by a pharmacist.

119 10. Nothing in this section shall be construed to
120 allow a pharmacist to make a therapeutic substitution of a
121 pharmaceutical prescribed by a physician unless authorized
122 by the written protocol or the physician's prescription
123 order.

124 11. "Veterinarian", "doctor of veterinary medicine",
125 "practitioner of veterinary medicine", "DVM", "VMD", "BVSe",

126 "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an
127 equivalent title means a person who has received a doctor's
128 degree in veterinary medicine from an accredited school of
129 veterinary medicine or holds an Educational Commission for
130 Foreign Veterinary Graduates (EDFVG) certificate issued by
131 the American Veterinary Medical Association (AVMA).

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

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

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

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

148 13. A pharmacist shall inform the patient that the
149 administration of the vaccine will be entered into the
150 ShowMeVax system, as administered by the department of
151 health and senior services. The patient shall attest to the
152 inclusion of such information in the system by signing a
153 form provided by the pharmacist. If the patient indicates
154 that he or she does not want such information entered into
155 the ShowMeVax system, the pharmacist shall provide a written
156 report within fourteen days of administration of a vaccine
157 to the patient's [primary] health care provider, if provided
158 by the patient, containing:

- 159 (1) The identity of the patient;
160 (2) The identity of the vaccine or vaccines
161 administered;
162 (3) The route of administration;
163 (4) The anatomic site of the administration;
164 (5) The dose administered; and
165 (6) The date of administration.

166 338.730. 1. Notwithstanding any other law to the
167 contrary, a pharmacist may dispense HIV postexposure
168 prophylaxis in accordance with this section. Such
169 prophylaxis shall be dispensed only if the pharmacist
170 follows a written protocol authorized by a licensed
171 physician.

172 2. For purposes of this section, "postexposure
173 prophylaxis" shall mean any drug approved by the Food and
174 Drug Administration that meets the same clinical eligibility
175 recommendations provided in CDC guidelines.

176 3. For purposes of this section, "CDC guidelines"
177 shall mean the current HIV guidelines published by the
178 federal Centers for Disease Control and Prevention.

179 4. The state board of registration for the healing
180 arts and the state board of pharmacy shall jointly
181 promulgate rules and regulations for the administration of
182 this section. Neither board shall separately promulgate
183 rules governing a pharmacist's authority to dispense HIV
184 postexposure prophylaxis under this section.

185 5. Any rule or portion of a rule, as that term is
186 defined in section 536.010, that is created under the
187 authority delegated in this section shall become effective
188 only if it complies with and is subject to all of the
189 provisions of chapter 536 and, if applicable, section
190 536.028. This section and chapter 536 are nonseverable and
191 if any of the powers vested with the general assembly

192 pursuant to chapter 536 to review, to delay the effective
193 date, or to disapprove and annul a rule are subsequently
194 held unconstitutional, then the grant of rulemaking
195 authority and any rule proposed or adopted after August 28,
196 2021, shall be invalid and void."; and

197 Further amend the title and enacting clause accordingly.