

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/House Bill No. 273, Page 58, Section 337.068, Line 44,

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.