

SENATE BILL NO. 519

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1874S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 338.200, RSMo, and to enact in lieu thereof one new section relating to emergency prescriptions dispensed by pharmacists.

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

Section A. Section 338.200, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 338.200,
3 to read as follows:

338.200. 1. [In the event a pharmacist is unable to
2 obtain refill authorization from the prescriber due to
3 death, incapacity, or] When the pharmacist is unable to
4 obtain refill authorization from the prescriber, **including**
5 **due to death or incapacity of the prescriber**, a pharmacist
6 may dispense an emergency supply of medication if:

7 (1) In the pharmacist's professional judgment,
8 interruption of therapy might reasonably produce undesirable
9 health consequences;

10 (2) The pharmacy previously dispensed or refilled a
11 prescription from the applicable prescriber for the same
12 patient and medication;

13 (3) The medication dispensed is not a controlled
14 substance;

15 (4) The pharmacist informs the patient or the
16 patient's agent either verbally, electronically, or in
17 writing at the time of dispensing that authorization of a
18 prescriber is required for future refills; and

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (5) The pharmacist documents the emergency dispensing
20 in the patient's prescription record, as provided by the
21 board by rule.

22 2. (1) If the pharmacist is unable to obtain refill
23 authorization from the prescriber, the amount dispensed
24 shall be limited to the amount determined by the pharmacist
25 within his or her professional judgment as needed for the
26 emergency period, provided the amount dispensed shall not
27 exceed a [seven-day] **ninety-day** supply.

28 (2) In the event of prescriber death or incapacity or
29 inability of the prescriber to provide medical services, the
30 amount dispensed shall not exceed a [thirty-day] **ninety-day**
31 supply.

32 3. Pharmacists or permit holders dispensing an
33 emergency supply pursuant to this section shall promptly
34 notify the prescriber or the prescriber's office of the
35 emergency dispensing, as required by the board by rule.

36 4. An emergency supply may not be dispensed pursuant
37 to this section if the pharmacist has knowledge that the
38 prescriber has otherwise prohibited or restricted emergency
39 dispensing for the applicable patient.

40 5. The determination to dispense an emergency supply
41 of medication under this section shall only be made by a
42 pharmacist licensed by the board.

43 6. The board shall promulgate rules to implement the
44 provisions of this section. Any rule or portion of a rule,
45 as that term is defined in section 536.010, that is created
46 under the authority delegated in this section shall become
47 effective only if it complies with and is subject to all of
48 the provisions of chapter 536 and, if applicable, section
49 536.028. This section and chapter 536 are nonseverable and
50 if any of the powers vested with the general assembly

51 pursuant to chapter 536 to review, to delay the effective
52 date, or to disapprove and annul a rule are subsequently
53 held unconstitutional, then the grant of rulemaking
54 authority and any rule proposed or adopted after August 28,
55 2013, shall be invalid and void.

✓