

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 501

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time February 28, 2017, and ordered printed.

Read 2nd time March 2, 2017, and referred to the Committee on Seniors, Families and Children.

Reported from the Committee March 15, 2017, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 28, 2017. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

2231S.01P

AN ACT

To repeal section 338.010, RSMo, and to enact in lieu thereof one new section relating to pharmacist vaccine protocol.

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Section A. Section 338.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 338.010, to read as follows: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, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, 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

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

34 2. Any pharmacist who accepts a prescription order for a medication
35 therapeutic plan shall have a written protocol from the physician who refers the
36 patient for medication therapy services. The written protocol and the prescription
37 order for a medication therapeutic plan shall come from the physician only, and
38 shall not come from a nurse engaged in a collaborative practice arrangement
39 under section 334.104, or from a physician assistant engaged in a supervision
40 agreement under section 334.735.

41 3. Nothing in this section shall be construed as to prevent any person,
42 firm or corporation from owning a pharmacy regulated by sections 338.210 to
43 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

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

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

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

53 7. The state board of registration for the healing arts, under section
54 334.125, and the state board of pharmacy, under section 338.140, shall jointly

55 promulgate rules regulating the use of protocols for prescription orders for
56 medication therapy services and administration of viral influenza vaccines. Such
57 rules shall require protocols to include provisions allowing for timely
58 communication between the pharmacist and the referring physician, and any
59 other patient protection provisions deemed appropriate by both boards. In order
60 to take effect, such rules shall be approved by a majority vote of a quorum of each
61 board. Neither board shall separately promulgate rules regulating the use of
62 protocols for prescription orders for medication therapy services and
63 administration of viral influenza vaccines. Any rule or portion of a rule, as that
64 term is defined in section 536.010, that is created under the authority delegated
65 in this section shall become effective only if it complies with and is subject to all
66 of the provisions of chapter 536 and, if applicable, section 536.028. This section
67 and chapter 536 are nonseverable and if any of the powers vested with the
68 general assembly pursuant to chapter 536 to review, to delay the effective date,
69 or to disapprove and annul a rule are subsequently held unconstitutional, then
70 the grant of rulemaking authority and any rule proposed or adopted after August
71 28, 2007, shall be invalid and void.

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

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

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

86 11. "Veterinarian", "doctor of veterinary medicine", "practitioner of
87 veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)",
88 "VMB", "MRCVS", or an equivalent title means a person who has received a
89 doctor's degree in veterinary medicine from an accredited school of veterinary
90 medicine or holds an Educational Commission for Foreign Veterinary Graduates

91 (EDFVG) certificate issued by the American Veterinary Medical Association
92 (AVMA).

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

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

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

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

107 13. A pharmacist shall provide a written report within fourteen days of
108 administration of a vaccine to the patient's primary health care provider, if
109 provided by the patient, containing:

110 (1) The identity of the patient;

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

112 (3) The route of administration;

113 (4) The anatomic site of the administration;

114 (5) The dose administered; and

115 (6) The date of administration.

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