

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/House Bill No. 542, Page 48, 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 administration of
24 vaccines by written protocol authorized by a physician for
25 the prevention of COVID-19 as authorized or approved by the
26 United States Food and Drug Administration and recommended

27 by the Advisory Committee on Immunization Practices of the
28 Center for Disease Control and Prevention except that the
29 administration of vaccines in a pharmacy shall not be
30 delegated to a person who is not a licensed pharmacist under
31 this chapter; the participation in drug selection according
32 to state law and participation in drug utilization reviews;
33 the proper and safe storage of drugs and devices and the
34 maintenance of proper records thereof; consultation with
35 patients and other health care practitioners, and
36 veterinarians and their clients about legend drugs, about
37 the safe and effective use of drugs and devices; the
38 prescribing and dispensing of any nicotine replacement
39 therapy product under section 338.665; and the offering or
40 performing of those acts, services, operations, or
41 transactions necessary in the conduct, operation, management
42 and control of a pharmacy. No person shall engage in the
43 practice of pharmacy unless he or she is licensed under the
44 provisions of this chapter. This chapter shall not be
45 construed to prohibit the use of auxiliary personnel under
46 the direct supervision of a pharmacist from assisting the
47 pharmacist in any of his or her duties. This assistance in
48 no way is intended to relieve the pharmacist from his or her
49 responsibilities for compliance with this chapter and he or
50 she will be responsible for the actions of the auxiliary
51 personnel acting in his or her assistance. This chapter
52 shall also not be construed to prohibit or interfere with
53 any legally registered practitioner of medicine, dentistry,
54 or podiatry, or veterinary medicine only for use in animals,
55 or the practice of optometry in accordance with and as
56 provided in sections 195.070 and 336.220 in the compounding,
57 administering, prescribing, or dispensing of his or her own
58 prescriptions.

59 2. Any pharmacist who accepts a prescription order for
60 a medication therapeutic plan shall have a written protocol
61 from the physician who refers the patient for medication
62 therapy services. The written protocol and the prescription
63 order for a medication therapeutic plan shall come from the
64 physician only, and shall not come from a nurse engaged in a
65 collaborative practice arrangement under section 334.104, or
66 from a physician assistant engaged in a collaborative
67 practice arrangement under section 334.735.

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

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

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

81 6. This section shall not be construed to allow a
82 pharmacist to diagnose or independently prescribe
83 pharmaceuticals.

84 7. The state board of registration for the healing
85 arts, under section 334.125, and the state board of
86 pharmacy, under section 338.140, shall jointly promulgate
87 rules regulating the use of protocols for prescription
88 orders for medication therapy services and administration of
89 viral influenza vaccines. Such rules shall require
90 protocols to include provisions allowing for timely
91 communication between the pharmacist and the referring

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

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

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

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

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

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

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

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

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

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the

158 inclusion of such information in the system by signing a
159 form provided by the pharmacist. If the patient indicates
160 that he or she does not want such information entered into
161 the ShowMeVax system, the pharmacist shall provide a written
162 report within fourteen days of administration of a vaccine
163 to the patient's primary health care provider, if provided
164 by the patient, containing:

- 165 (1) The identity of the patient;
- 166 (2) The identity of the vaccine or vaccines
167 administered;
- 168 (3) The route of administration;
- 169 (4) The anatomic site of the administration;
- 170 (5) The dose administered; and
- 171 (6) The date of administration."; and
- 172 Further amend the title and enacting clause accordingly.