

SECOND REGULAR SESSION

HOUSE BILL NO. 2697

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS.

6769H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 338.060, RSMo, and to enact in lieu thereof two new sections relating to the Tricia Leann Tharp act.

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

Section A. Section 338.060, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 338.060 and 338.061, to read as follows:

338.060. 1. Every licensed pharmacist or permit holder who desires to continue in the practice of this profession shall, within thirty days before the license expiration date, file an application for the renewal, which application shall be accompanied by the fee prescribed in sections 338.010 to 338.198.

2. If any pharmacist fails, after the expiration of the pharmacist's license, to make application to the board for its renewal, the pharmacist's name shall be removed from the register of licensed pharmacists, and such person, in order to again become registered as a licensed pharmacist, shall be required to pay all delinquent fees. Any pharmacist who fails to renew the pharmacist's license within two years of its expiration and then desires to be preregistered shall be treated in the same manner as a person who has never been licensed. Any registered pharmacist whose certificate of registration has expired while the pharmacist has been engaged in active duty with the United States Army, United States Navy, United States Air Force, the Marine Corps, Coast Guard, or any other branch of the armed services or the state militia called into the service or training of the United States of America, or in training or education under the supervision of the United States preliminary to induction into the military services may have the pharmacist's certificate of registration renewed without paying any lapse, renewal or registration fee or without passing any examination, if within one year after the termination of such service,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 training or education, other than by dishonorable discharge, the pharmacist furnishes the board
19 with an affidavit to the effect that the pharmacist has been so engaged and that the pharmacist's
20 service, training or education has terminated.

21 3. Except as provided in subsection 5 of this section, when applying for a renewal of the
22 license as required by the provisions of this section, each licensed pharmacist shall submit proof
23 of the completion of at least fifteen hours of board-approved continuing education courses during
24 each twelve-month period immediately preceding the date of the application for renewal of the
25 license **including, but not limited to, the requirements of section 338.061**. The board shall
26 prescribe the form to be completed. No license shall be renewed unless the holder thereof has
27 complied with the provisions of this subsection **and section 338.061, if applicable**.

28 4. The proof of completion of such continuing education shall be in such form as the
29 board may require. The approved courses shall include those offered by correspondence, but the
30 board shall approve all courses of instruction which may be used to satisfy the education
31 requirements of subsection 3 of this section.

32 5. Each licensed pharmacist may, instead of submitting proof of the completion of the
33 required continuing education courses, apply for an inactive license at the time the pharmacist
34 makes application for the renewal of the pharmacist's license and pay the required renewal fee.
35 An inactive license shall then be issued, and may be renewed biennially. While the inactive
36 license is in effect the pharmacist shall not practice pharmacy. The inactive license may be
37 changed to a regular license without other examination whenever the pharmacist submits proof
38 of the completion of continuing education courses for the total amount of such courses not
39 completed since the pharmacist was last licensed on an active basis.

**338.061. 1. This section shall be known and may be cited as the "Tricia Leann
2 Tharp Act".**

3 **2. For all pharmacist licenses issued or renewed after the effective date of this**
4 **section for pharmacists who are employed at a licensed retail pharmacy, the board of**
5 **pharmacy shall require two hours of continuing education in suicide awareness and**
6 **prevention as a requirement for the renewal of licensure under subsection 3 of section**
7 **338.060. The required continuing education shall count toward the total hours of**
8 **continuing education hours required by the board.**

9 **3. The board shall develop guidelines suitable for training materials that may be**
10 **used by accredited schools of pharmacy and other organizations and courses approved by**
11 **the American Council on Pharmaceutical Education; except that, schools of pharmacy may**
12 **approve materials to be used in providing training for faculty and other employees.**

13 **4. The continuing education required under this section may be satisfied through**
14 **self-review of suicide prevention materials that meet the guidelines developed by the board**
15 **of pharmacy.**

16 **5. No person shall have a cause of action for any loss or damages caused by any act**
17 **or omission resulting from the implementation of this section or resulting from any**
18 **training or lack of training required by this section unless the loss or damages were caused**
19 **by willful or wanton misconduct. The training or lack of training required by this section**
20 **shall not be construed to impose any specific duty of care.**

21 **6. The board of pharmacy may promulgate rules to implement the provisions of**
22 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
23 **is created under the authority delegated in this section shall become effective only if it**
24 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
25 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
26 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
27 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
28 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
29 **shall be invalid and void.**

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