

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

AMEND House Amendment No. \_\_\_\_ to House Bill No. 2331, Page 2, Line 38, by deleting all of said line and inserting in lieu thereof the following:

"being maintained.

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 at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule]~~; the ordering and administration of vaccines approved or authorized by the United States Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, and anthrax, to persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is older, pursuant to joint promulgation of rules established by the board of pharmacy and the state board of registration for the healing arts unless rules are established under a state of emergency as described in section 44.100; 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 effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; the dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and the offering or

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

2. ~~[Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services.]~~  
A pharmacist with a certificate of medication therapeutic plan authority may provide medication therapy services pursuant to a statewide standing order issued by the department of health and senior services or pursuant to a written protocol with a physician licensed under chapter 334. The written protocol [and the prescription order for a medication therapeutic plan] authorized by this section shall come only from the physician [only] or similar body authorized by this section, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

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

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

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

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

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols ~~[for prescription orders]~~ for medication therapy services ~~[and administration of viral influenza vaccines]~~. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the ~~[referring]~~ protocol physician or similar body authorized by this section, 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~~

1 ~~vaccines~~]. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
 2 under the authority delegated in this section shall become effective only if it complies with and is  
 3 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
 4 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
 5 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
 6 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
 7 August 28, 2007, shall be invalid and void.

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

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

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

21       ~~[11.]~~ 10. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary  
 22 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an  
 23 equivalent title means a person who has received a doctor's degree in veterinary medicine from an  
 24 accredited school of veterinary medicine or holds an Educational Commission for Foreign  
 25 Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association  
 26 (AVMA).

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

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

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

34       ~~(3)]~~ 11. In addition to other requirements by the board, a pharmacist shall receive additional  
 35 training as required by the board and evidenced by receiving a certificate from the board upon  
 36 completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

37       ~~[13.]~~ 12. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will  
 38 be entered into the ShowMeVax system, as administered by the department of health and senior  
 39 services. The patient shall attest to the inclusion of such information in the system by signing a

form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.011. 1. A pharmacist licensed under this chapter may:

(1) Order and administer medication approved or authorized by the United States Food and Drug Administration to address a public health need, as lawfully authorized by the state or federal government, or a department or agency thereof, during a state or federally declared public health emergency; and

(2) Administer medication pursuant to a statewide standing order issued by the director of the department of health and senior services if a licensed physician, or a licensed physician approved and designated by the department of health and senior services, to address a public health need.

2. The board of pharmacy may promulgate rules to implement the provisions of this section. 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, 2022, shall be invalid and void.

338.165. 1. As used in this section, the following terms mean:

- (1) "Board", the Missouri board of pharmacy;
- (2) "Hospital", a hospital as defined in section 197.020;
- (3) "Hospital clinic or facility", a clinic or facility under the common control, management, or ownership of the same hospital or hospital system;
- (4) "Medical staff committee", the committee or other body of a hospital or hospital system responsible for formulating policies regarding pharmacy services and medication management;
- (5) "Medication order", an order for a legend drug or device that is:
  - (a) Authorized or issued by an authorized prescriber acting within the scope of his or her professional practice or pursuant to a protocol or standing order approved by the medical staff committee; and
  - (b) To be distributed or administered to the patient by a health care practitioner or lawfully

1 authorized designee at a hospital or a hospital clinic or facility;

2 (6) "Patient", an individual receiving medical diagnosis, treatment or care at a hospital or a  
3 hospital clinic or facility.

4 2. The department of health and senior services shall have sole authority and responsibility  
5 for the inspection and licensure of hospitals as provided by chapter 197 including, but not limited to  
6 all parts, services, functions, support functions and activities which contribute directly or indirectly  
7 to patient care of any kind whatsoever. However, the board may inspect a class B pharmacy or any  
8 portion thereof that is not under the inspection authority vested in the department of health and  
9 senior services by chapter 197 to determine compliance with this chapter or the rules of the board.  
10 This section shall not be construed to bar the board from conducting an investigation pursuant to a  
11 public or governmental complaint to determine compliance by an individual licensee or registrant of  
12 the board with any applicable provisions of this chapter or the rules of the board.

13 3. The department of health and senior services shall have authority to promulgate rules in  
14 conjunction with the board governing medication distribution and the provision of medication  
15 therapy services by a pharmacist at or within a hospital. Rules may include, but are not limited to,  
16 medication management, preparation, compounding, administration, storage, distribution, packaging  
17 and labeling. Until such rules are jointly promulgated, hospitals shall comply with all applicable  
18 state law and department of health and senior services rules governing pharmacy services and  
19 medication management in hospitals. The rulemaking authority granted herein to the department of  
20 health and senior services shall not include the dispensing of medication by prescription.

21 4. All pharmacists providing medication therapy services shall obtain a certificate of  
22 medication therapeutic plan authority as provided by rule of the board. Medication therapy services  
23 may be provided by a pharmacist for patients of a hospital pursuant to a statewide standing order  
24 issued by the department of health and senior services, pursuant to a protocol with a physician as  
25 required by section 338.010, or pursuant to a protocol approved by the medical staff committee.  
26 However, the medical staff protocol shall include a process whereby an exemption to the protocol  
27 for a patient may be granted for clinical efficacy should the patient's physician make such request.  
28 The medical staff protocol shall also include an appeals process to request a change in a specific  
29 protocol based on medical evidence presented by a physician on staff.

30 5. Medication may be dispensed by a class B hospital pharmacy pursuant to a prescription  
31 or a medication order.

32 6. A drug distributor license shall not be required to transfer medication from a class B  
33 hospital pharmacy to a hospital clinic or facility for patient care or treatment.

34 7. Medication dispensed by a class A pharmacy located in a hospital to a hospital patient for  
35 use or administration outside of the hospital under a medical staff-approved protocol for medication  
36 therapy shall be dispensed only by a prescription order for medication therapy from an individual  
37 physician for a specific patient.

38 8. Medication dispensed by a hospital to a hospital patient for use or administration outside  
39 of the hospital shall be labeled as provided by rules jointly promulgated by the department of health

1 and senior services and the board including medication distributed for administration by or under  
2 the supervision of a health care practitioner at a hospital clinic or facility.

3 9. This section shall not be construed to preempt any law or rule governing controlled  
4 substances.

5 10. Any rule, as that term is defined in section 536.010, that is created under the authority  
6 delegated in this section shall only become effective if it complies with and is subject to all of the  
7 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
8 nonseverable and if any of the powers vested with the general assembly under chapter 536 to  
9 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
10 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
11 August 28, 2014, shall be invalid and void.

12 11. The board shall appoint an advisory committee to review and make recommendations to  
13 the board on the merit of all rules and regulations to be jointly promulgated by the board and the  
14 department of health and senior services pursuant to the joint rulemaking authority granted by this  
15 section. The advisory committee shall consist of:

16 (1) Two representatives designated by the Missouri Hospital Association, one of whom shall  
17 be a pharmacist;

18 (2) One pharmacist designated by the Missouri Society of Health System Pharmacists;

19 (3) One pharmacist designated by the Missouri Pharmacy Association;

20 (4) One pharmacist designated by the department of health and senior services from a  
21 hospital with a licensed bed count that does not exceed fifty beds or from a critical access hospital  
22 as defined by the department of social services for purposes of MO HealthNet reimbursement;

23 (5) One pharmacist designated by the department of health and senior services from a  
24 hospital with a licensed bed count that exceeds two hundred beds; and

25 (6) One pharmacist designated by the board with experience in the provision of hospital  
26 pharmacy services.

27 12. Nothing in this section shall be construed to limit the authority of a licensed health care  
28 provider to prescribe, administer, or dispense medications and treatments within the scope of their  
29 professional practice."; and"; and

30  
31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.

33  
34 THIS AMENDS AMENDMENT 4527H01.12H