

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2371, Page 1, Section A, Line 3, by inserting after all of said section and
2 line the following:

3
4 "190.245. 1. The department shall require hospitals, as defined by chapter 197, designated
5 as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the
6 department, for trauma, STEMI, and stroke cases, respective to their designations, under section
7 537.035.

8 2. Any person licensed under sections 190.001 to 190.245 shall be considered a health care
9 professional for purposes of section 537.035, and any quality improvement or quality assurance
10 activity required under sections 190.001 to 190.245 shall be considered an activity of a peer review
11 committee for purposes of section 537.035.

12 3. For purposes of sections 190.241 to 190.245, the department of health and senior services
13 shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of
14 section 537.035.

15 4. Failure of a hospital to provide all medical records necessary for the department to
16 implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital's
17 designation as a trauma, STEMI, or stroke center.

18 5. Any medical records obtained by the department or peer review committees shall be used
19 only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of
20 hospitals, physicians and patients shall not be released by the department or members of review
21 committees."; and

22
23 Further amend said bill, Page 3, Section 197.445, Line 13, by inserting after all of said
24 section and line the following:

25
26 "376.1575. As used in sections 376.1575 to 376.1580, the following terms shall mean:

27 (1) "Completed application", a practitioner's application to a health carrier that seeks the
28 health carrier's authorization for the practitioner to provide patient care services as a member of the
29 health carrier's network and does not omit any information which is clearly required by the
30 application form and the accompanying instructions;

31 (2) "Credentialing", a health carrier's process of assessing and validating the qualifications

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1 of a practitioner to provide patient care services and act as a member of the health carrier's provider
2 network;

3 (3) "Health carrier", the same meaning as such term is defined in section 376.1350. The
4 term "health carrier" shall also include any entity described in subdivision (4) of section 354.700;

5 (4) "Practitioner":

6 (a) A physician or physician assistant eligible to provide treatment services under chapter
7 334;

8 (b) A pharmacist eligible to provide services under chapter 338;

9 (c) A dentist eligible to provide services under chapter 332;

10 (d) A chiropractor eligible to provide services under chapter 331;

11 (e) An optometrist eligible to provide services under chapter 336;

12 (f) A podiatrist eligible to provide services under chapter 330;

13 (g) A psychologist or licensed clinical social worker eligible to provide services under
14 chapter 337; or

15 (h) An advanced practice nurse eligible to provide services under chapter 335.

16 338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and
17 evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353;
18 receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the
19 designing, initiating, implementing, and monitoring of a medication therapeutic plan [~~as defined by~~
20 ~~the prescription order so long as the prescription order is specific to each patient for care by a~~
21 ~~pharmacist]; the compounding, dispensing, labeling, and administration of drugs and devices
22 pursuant to medical prescription orders [~~and administration of viral influenza, pneumonia, shingles,~~
23 ~~hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol~~
24 ~~authorized by a physician for persons at least seven years of age or the age recommended by the~~
25 ~~Centers for Disease Control and Prevention, whichever is higher, or the administration of~~
26 ~~pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral~~
27 ~~influenza vaccines by written protocol authorized by a physician for a specific patient as authorized~~
28 ~~by rule]; the ordering and administration of vaccines approved or authorized by the United States
29 Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis,
30 typhoid, rabies, yellow fever, tick-borne encephalitis, and anthrax, to persons at least seven years of
31 age or the age recommended by the Centers for Disease Control and Prevention, whichever is older,
32 pursuant to joint promulgation of rules established by the board of pharmacy and the state board of
33 registration for the healing arts unless rules are established under a state of emergency as described
34 in section 44.100; the participation in drug selection according to state law and participation in drug
35 utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper
36 records thereof; consultation with patients and other health care practitioners, and veterinarians and
37 their clients about legend drugs, about the safe and effective use of drugs and devices; the
38 prescribing and dispensing of any nicotine replacement therapy product under section 338.665; the
39 dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and the offering or~~~~

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

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

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

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

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

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

31 7. The state board of registration for the healing arts, under section 334.125, and the state
32 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
33 protocols ~~[for prescription orders]~~ for medication therapy services ~~[and administration of viral~~
34 ~~influenza vaccines]~~. Such rules shall require protocols to include provisions allowing for timely
35 communication between the pharmacist and the ~~[referring]~~ protocol physician or similar body
36 authorized by this section, and any other patient protection provisions deemed appropriate by both
37 boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each
38 board. Neither board shall separately promulgate rules regulating the use of protocols for
39 ~~[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

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

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

11 338.011. 1. A pharmacist licensed under this chapter may:

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

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

20 2. The board of pharmacy may promulgate rules to implement the provisions of this section.
21 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
22 authority delegated in this section shall become effective only if it complies with and is subject to all
23 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
24 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536
25 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
26 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
27 August 28, 2022, shall be invalid and void.

28 338.165. 1. As used in this section, the following terms mean:

- 29 (1) "Board", the Missouri board of pharmacy;
- 30 (2) "Hospital", a hospital as defined in section 197.020;
- 31 (3) "Hospital clinic or facility", a clinic or facility under the common control, management,
32 or ownership of the same hospital or hospital system;
- 33 (4) "Medical staff committee", the committee or other body of a hospital or hospital system
34 responsible for formulating policies regarding pharmacy services and medication management;
- 35 (5) "Medication order", an order for a legend drug or device that is:
 - 36 (a) Authorized or issued by an authorized prescriber acting within the scope of his or her
37 professional practice or pursuant to a protocol or standing order approved by the medical staff
38 committee; and
 - 39 (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 338.010₂, 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

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