Notice is hereby given that the Missouri Board of Pharmacy will be meeting at 3:00 p.m. on July 20, 2018 via conference call. A tentative agenda is attached. If any member of the public wishes to attend the meeting, s/he should be present at the Missouri Division of Professional Registration, 3605 MO Blvd., Jefferson City, Missouri at 3:00 p.m. on July 20, 2018.

Except to the extent disclosure is otherwise required by law, the Missouri Board of Pharmacy is authorized to close meetings, records and votes pursuant to Section 610.021(1), (13) and (14) and section 324.001.8, RSMo. If the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri Board of Pharmacy, P O Box 625, 3605 Missouri Blvd., Jefferson City, Missouri 65102, or by calling (573) 751-0091 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.
MEETING NOTICE
Missouri Board of Pharmacy
CONFERENCE CALL

Missouri Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO 65109

July 20, 2018
3:00 p.m.

OPEN SESSION AGENDA

1. Call to Order: Christian Tadrus, PharmD, President

2. Roll Call

3. Special Sites
   a. Community Partnership of the Ozarks
   b. Nelson Mandela Metropolitan University
   c. University of AZ College of Phy

4. Implementation of 2018 Legislation

5. 2018 Pharmacist Renewal Process

6. 2019 Legislation

7. Future Meeting Dates/Structure

8. The Board may go into closed session at any point during the meeting and all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting will be closed under Section 610.021(1), (5), (7), and (14) and under Section 324.001.8, and .9 RSMo. The Board will return to open session at the conclusion of discussion on closed session items.

9. Adjournment
DRAFT Language – Proposal # (Pharmacy Technician Registration)

338.013. 1. Any person desiring to assist a pharmacist in the practice of pharmacy as defined in this chapter shall apply to the board of pharmacy for registration as a pharmacy technician. Such applicant shall be, at a minimum, legal working age and shall forward to the board the appropriate fee and written application on a form provided by the board. Such registration shall be the sole authorization permitted to allow persons to assist licensed pharmacists in the practice of pharmacy as defined in this chapter.

1. Definitions.

(1) Pharmacy Technician Trainee- A pharmacy support staff registrant who is in training for a pharmacy technician or an advanced pharmacy technician registration or a registered pharmacy technician who is in training for an advanced pharmacy technician registration.

(2) Pharmacy Support Staff- An individual with physical access to a pharmacy, or who has the authority or ability to order legend medication for pharmacy use, but does not assist or support a pharmacist in the practice of pharmacy. Pharmacy Support Staff shall not include individuals with incidental access to the pharmacy while under the direct supervision of a board licensee or registrant, as defined by the Board by rule.

(3) Pharmacy Technician: An individual who assists or supports a pharmacist in the practice of pharmacy as defined by Chapter 338, RSMo.

(4) Advanced Pharmacy Technician- A pharmacy technician who assists or supports a pharmacist in the practice of pharmacy and who performs advanced technician functions as authorized by the Board by rule, including, but not limited to:

(a) Sterile Compounding, including, but not limited to, sterilely compounded chemotherapy or other hazardous preparations;

(b) Handling and preparation of nuclear medications; or

(c) Remote pharmacy technician activity.
2. All pharmacy support staff, pharmacy technicians and advanced pharmacy technicians must be registered with the board. To be eligible for registration, applicants shall file an application on a form provided by the board with the appropriate fee, complete a criminal background check and comply with the following:

   (1) Pharmacy Support Staff applicants must be of legal working age;

   (2) Pharmacy Technician applicants must be at least sixteen (16) years old and have completed an employer based training program, as provided by the Board by rule. The training program may be tailored to the applicable pharmacy practice as deemed appropriate by the permitholder or the pharmacist-in-charge. At a minimum, the employer-based training program must include training in the following:

       (a) Pharmacy terminology;

       (b) Pharmacy calculations;

       (c) Dispensing systems;

       (d) Labeling requirements;

       (e) Applicable state and federal pharmacy and drug laws and regulations;

       (f) Record keeping and documentation;

       (g) Proper handling and storage of medications, and;

       (h) Pharmacy policies and procedures.

   (3) Advanced Pharmacy Technician applicants must be at least sixteen (16) years old and must complete an employer based training program as designated by the Board by rule and hold an active pharmacy technician certification issued by a certification entity accredited by the National Commission for Certifying Agencies or, for applicants that will be assisting in the practice of nuclear pharmacy, have completed a nuclear pharmacy technician certificate program approved by the Board or from a provider accredited by the Accreditation Council for Pharmacy Education or its successor.

3. Pharmacy Technician Trainees. The pharmacy shall maintain a list of all pharmacy technician trainees and the training start date. Once designated, the trainee may engage in pharmacy technician or advanced pharmacy technician functions, as authorized by the rules of the Board and the pharmacist-in-charge. A registrant may not be designated as a pharmacy technician trainee for more than one (1) year, provided
the pharmacist-in-charge may grant a six (6) month extension for good cause. If training is not completed within the required one (1) year or eighteen (18) months, the registrant may not be re-designated as a trainee for a minimum of six (6) months.

24. The board may refuse to issue a certificate of registration as a pharmacy technician authorized by this section to an applicant that has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, of a violation of any state, territory or federal drug law, or to any felony or has violated any provision of subsection 2 of section 338.055. Alternately, the board may issue such person a registration, but may authorize the person to work as a pharmacy technician provided that person adheres to certain terms and conditions imposed by the board. The board shall place on the employment disqualification list the name of an applicant who the board has refused to issue a certificate of registration as a pharmacy technician, or the name of a person who the board has issued a certificate of registration as a pharmacy technician but has authorized to work under certain terms and conditions. The board shall notify the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

35. If an applicant has submitted the required fee and an application for registration to the board of pharmacy, the applicant for registration as a pharmacy technician may assist a licensed pharmacist in the practice of pharmacy as defined in this chapter may begin performing activities authorized for the registration class once the completed application has been submitted to the board. The applicant shall keep a copy of the submitted application on the premises where the applicant is employed. If the board refuses to issue a certificate of registration as a pharmacy technician to an applicant, the applicant shall immediately cease assisting a licensed pharmacist in the practice of pharmacy performing the applicable technician activities.

46. A certificate or other proof of registration issued by the board shall be conspicuously displayed in the pharmacy or place of business where the registrant is employed available in the pharmacy as provided by the Board by rule.
57. Every pharmacy technician registrant who desires to continue to be registered as provided in this section shall, within thirty days before the registration expiration date, file an application for the renewal, accompanied by the fee prescribed by the board. The registration shall lapse and become null and void thirty days after the expiration date. To renew, registered a advanced pharmacy technician must submit proof that he/she holds a current and active certification identified in section (2)(C).

68. The board shall maintain an employment disqualification list. No person whose name appears on the employment disqualification list shall work as a pharmacy technician registrant, except as otherwise authorized by the board. The board may authorize a person whose name appears on the employment disqualification list to work or continue to work as a pharmacy technician registrant provided the person adheres to certain terms and conditions imposed by the board.

79. The board may place on the employment disqualification list the name of a pharmacy technician registrant who has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, of a violation of any state, territory or federal drug law, or to any felony or has violated any provision of subsection 2 of section 338.055.

810. After an investigation and a determination has been made to place a person’s name on the employment disqualification list, the board shall notify such person in writing mailed to the person's last known address:

(1) That an allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) That such person’s name has been added in the employment disqualification list of the board;

(3) The consequences to the person of being listed and the length of time the person’s name will be on the list; and

(4) The person’s right to file a complaint with the administrative hearing commission as provided in chapter 621.
911. The length of time a person’s name shall remain on the disqualification list shall be determined by the board.

1012. No hospital or licensed pharmacy shall knowingly employ any person whose name appears on the employee disqualification list, except that a hospital or licensed pharmacy may employ a person whose name appears on the employment disqualification list but the board has authorized to work under certain terms and conditions. Any hospital or licensed pharmacy shall report to the board any final disciplinary action taken against a pharmacy technician registrant or the voluntary resignation of a pharmacy technician registrant against whom any complaints or reports have been made which might have led to final disciplinary action that can be a cause of action for discipline by the board as provided for in subsection 2 of section 338.055. Compliance with the foregoing sentence may be interposed as an affirmative defense by the employer. Any hospital or licensed pharmacy which reports to the board in good faith shall not be liable for civil damages.

13. Any person who holds a current and active pharmacy technician registration on or before May 31, 2019, may apply to the Board for a pharmacy support staff, pharmacy technician or advanced pharmacy technician registration without fee. To be eligible for advanced pharmacy technician registration under this subsection, the application must be accompanied by a statement from a Missouri licensed pharmacist attesting that the applicant has practiced as a pharmacy technician for a minimum of 2,080 hours and that such practice included, in whole or in part, the performance of advanced technician duties, as designated by the Board by rule. If an advanced pharmacy technician registration issued pursuant to this subsection is allowed to lapse, the former registrant shall be treated in the same manner as a new applicant and must comply with all advanced pharmacy technician registration requirements upon reapplication.
338.095. Prescription, drug order, defined — telephone prescription, defined —

prescription and medical information may be provided, when. — 1. The
terms "prescription" and "prescription drug order" are hereby defined as a lawful order for
medications or devices issued and signed by an authorized prescriber within the scope of his
professional practice which is to be dispensed or administered by a pharmacist or dispensed or
administered pursuant to section 334.104 to and for the ultimate user. The terms "prescription"
and "drug order" do not include an order for medication requiring a prescription to be dispensed,
which is provided for the immediate administration to the ultimate user or recipient.

2. The term "telephone prescription" is defined as an order for medications or devices
transmitted to a pharmacist by telephone or similar electronic medium by an authorized
prescriber or his authorized agent acting in the course of his professional practice which is to be
dispensed or administered by a pharmacist or dispensed or administered pursuant to section
334.104 to and for the ultimate user. A telephone prescription shall be promptly reduced to
written or electronic medium by the pharmacist and shall comply with all laws governing
prescriptions and record keeping.

3. A licensed pharmacist may lawfully provide prescription or medical information to a
licensed health care provider or his agent who is legally qualified to administer medications and
treatments and who is involved in the treatment of the patient. The information may be derived
by direct contact with the prescriber or through a written protocol approved by the
prescriber. Such information shall authorize the provider to administer appropriate medications
and treatments.

4. Nothing in this section shall be construed to limit the authority of other licensed health
care providers to prescribe, administer, or dispense medications and treatments within the scope
of their professional practice.

5. It shall be an unauthorized practice of pharmacy and hence unlawful for any person other
than the patient or the patient's authorized representative to accept a prescription presented to be
dispensed unless that person is located on a premises licensed by the board as a pharmacy.
388.140. Board of pharmacy, powers, duties — advisory committee, appointment, duties — letters of reprimand, censure or warning. — 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of six members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, one of whom shall be a representative of drug manufacturers, and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors, drug manufacturers, and veterinary legend drugs which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055. Alternatively, the Board may enter into a voluntary compliance, monitoring or educational agreement with a licensee, permit holder or registrant to correct or remedy compliance violations in lieu of Board discipline. The compliance agreement shall be a public record. The time limitation identified in section 324.043, for commencing a disciplinary proceeding shall be tolled while a compliance or monitoring agreement authorized by this section is in effect.
338.160. The Board of Pharmacy may approve, modify and establish requirements for pharmacy pilot or demonstration research projects designed to enhance patient care or safety, improve patient outcomes or expand access to pharmacy services, including, but not limited to remote or technology assisted pharmacy practice. To be approved, pilot or research projects shall be within the scope of the practice of pharmacy as defined by Chapter 338, RSMo, be under the supervision of a Missouri licensed pharmacist and comply with applicable compliance and reporting requirements as established by the Board by rule, including, any staff training or education requirements. Board approval shall be limited to a period of eighteen (18) months, provided the Board may grant an additional six (6) months extension if deemed necessary or appropriate to gather or complete research data or if deemed in the best interests of the patient.

[The provisions of this subsection shall expire on August 28, 2023. The Board shall provide a final report on approved projects and related data or findings to the Missouri General Assembly on or before December 31, 2023. The name, location, approval dates, general description of and responsible pharmacist for an approved pilot or research project shall be deemed an open record.]
338.380. Refusal to issue a certificate, when — impaired license committee program authorized, duties, procedures. — 1. As used in this section the term "committee program" means the well-being committee program established under subsection 3 of this section.

2. The board may refuse to issue any certificate of registration or authority, permit or license required under this chapter for one or any combination of causes stated in subsection 2 of section 338.055, or the board may, as a condition to issuing or renewing any such certificate of registration or authority, permit or license, require a person to submit himself or herself for identification, intervention, treatment, or rehabilitation by the well-being committee program as provided in this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

3. The board may establish an impaired licensee committee program, to be designated as the "Well-being Committee Program", to promote the early identification, intervention, treatment, and rehabilitation of applicants or licensees identified within this chapter, who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement for the purpose of creating, supporting and maintaining such a committee program. The board may promulgate rules subject to the provisions of this section to effectuate and implement any committee program formed under this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee program formed under this section. Any member of the committee program, as well as any administrator, staff member, consultant, agent or employee of the committee program, acting within the scope of his or her duties and without actual malice and all other persons who furnish information to the committee program in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee program or by any individual member of the committee program.

4. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the committee program, as well as communications to or from the committee program, any findings, conclusions, interventions, treatment, rehabilitation, or other proceedings of the committee program which in any way pertain to an applicant or licensee who may be, or who actually is, impaired shall be absolutely privileged and confidential. Notwithstanding any other provision of law, the program may disclose information, statements, records or documents to the board if there is reasonable cause to believe the applicant or licensee may cause an imminent danger or risk of serious harm to patients or the public. Information, statements, records or documents from the program may be used as evidence in any proceeding initiated pursuant to Chapters 324, 338, 536 and 621.
5. **Except as otherwise provided in this section, all** records and proceedings of the committee program which pertain or refer to a licensee or applicant who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee program and its members only in the exercise of the proper function of the committee program and shall not be considered public records under chapter 610 and shall only be subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as provided in subsection 6 of this section.

6. The committee program may disclose information relative to an impaired licensee or applicant—only when:

   (1) It is essential to disclose the information to further the intervention, treatment, or rehabilitation needs of the impaired licensee or applicant and only to those persons or organization with a need to know;

   (2) Its release is authorized in writing by the impaired licensee or applicant;

   (3) The committee program is required to make a report to the board;

   (4) The information is subject to a court order;

   (5) The licensee or applicant has breached a division agreement or fails to comply with program requirements or treatment recommendations.

7. In lieu of pursuing discipline against a licensee for violating one or more causes stated in subsection 2 of section 338.055, the board may enter into a diversion agreement with a licensee to refer the licensee to the committee program under such terms and conditions as are agreed to by the board and licensee. **Licensees or applicants who self-refer to the program shall also enter into a diversion agreement with the program as specified by the program or board requirements. The Except as otherwise authorized by the Board, the board or program shall enter into no more than two diversion agreements with any individual licensee or applicant.**

   (1) If the a licensee violates a term or condition of a diversion agreement entered into under this section, the board may elect to pursue discipline against the licensee under chapter 621 for the original conduct that resulted in the diversion agreement, or for any subsequent violation of subsection 2 of section 338.055. **Alternatively, the board may convene a hearing, after due notice to the licensee, to determine whether a violation of a term or condition of a diversion agreement has occurred. The hearing shall be confidential and not open to the public under Chapter 610. Information, statements, records or documents from the program shall be deemed admissible in the hearing. If a violation is found by the board or admitted to by the licensee, the**
Board may suspend the licensee’s license until the licensee is fully in compliance with and participates in the program or, for drug or alcohol testing violations, until the licensee has one year with no positive drug or alcohol screens. The licensee may appeal any suspension under this section to the Administrative Hearing Commission pursuant to Chapter 621, RSMO. Information, statements, records or documents from the program shall be admissible as evidence in any hearing before the Administrative Hearing Commission.

(2) While the licensee or applicant participates in the committee program, the time limitations of section 324.043 shall be tolled. 620.154 shall toll under subsection 7 of section 620.154. All records pertaining to diversion agreements are confidential and may only be released under subdivision (7) of subsection 14 of section 620.010.

8. The committee program shall report to the board the name of any licensee or applicant who fails to enter treatment within forty-eight hours following the provider's determination that the pharmacist needs treatment or any failure by a licensee or applicant to comply with the terms of a diversion agreement during inpatient or outpatient treatment or aftercare or report a licensee or applicant who resumes the practice of pharmacy before the treatment provider has made a clear determination that the pharmacist is capable of practicing according to acceptable and prevailing standards.

9. The board may disclose information and records to the committee program to assist the committee program in the identification, intervention, treatment, and rehabilitation of any licensee or applicant who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The committee program shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records as closed to the public under chapter 620.

10. 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.