

**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 6—Pharmaceutical Care Standards**

EMERGENCY AMENDMENT

20 CSR 2220-6.040 Administration by Medical Prescription Order. The board is amending sections (2), (6), and (7) and adding new section (9).

PURPOSE: This emergency rule would allow pharmacy technicians to administer vaccines as authorized by the U.S. Department of Health and Human Services during the COVID-19 pandemic.

EMERGENCY STATEMENT: On January 31, 2020, the U.S. Department of Health and Human Services (HHS) declared a public health emergency in response to the nationwide COVID-19 pandemic. The Governor of Missouri declared a similar State of Emergency on March 13, 2020, finding that COVID-19 poses a serious health risk for Missouri residents. In response to the COVID-19 pandemic, HHS issued an emergency Declaration under the federal Public Readiness and Emergency Preparedness Act (PREP Act) on October 20, 2020, to authorize qualified pharmacy technicians acting under the supervision of a pharmacist to administer FDA-authorized or FDA-licensed COVID-19 vaccines to persons ages three (3) or older, and to administer FDA-authorized or FDA-licensed ACIP-recommended vaccines to persons ages three (3) through eighteen (18) according to ACIP's standard immunization schedule. HHS' Declaration indicates "key components of the [federal COVID-19] response are rapidly expanding COVID-19 testing across America, expanding access to childhood vaccinations to help address a decrease in childhood vaccination rates due to the COVID-19 pandemic, and expanding access to COVID-19 vaccines when they become available." Simultaneously, Missouri pharmacies have reported a significant increase in non-COVID related vaccine demand and have requested authorization to utilize pharmacy technicians to help meet immunization needs. Licensees indicated additional immunization capacity will be especially needed once mass vaccination efforts begin for COVID-19 vaccine and during the 2020-2021 influenza season. In line with HHS' Declaration and licensee requests, the proposed emergency amendment would allow pharmacy technicians to administer medication and HHS authorized vaccines pursuant to a medical prescription order, provided the pharmacy technician is under supervision of a Missouri-licensed pharmacist qualified to administer medication. Absent an emergency amendment, Missouri pharmacies would be prohibited from delegating medication administration to pharmacy technicians under the rule, which will detrimentally impact the public safety, health and welfare of Missouri citizens. As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. The scope of this emergency rule amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November

25, 2020, effective December 10, 2020, and expires June 7, 2021.

(2) Except as otherwise provided by law, a pharmacist may not delegate medication administration to another person, except to an intern pharmacist **or qualified pharmacy technician** who has met the qualifications under subsections (3)(B)–(E) and is working under the direct supervision of a pharmacist who has met the qualifications to administer drugs pursuant to a medical prescription order.

(A) For purposes of this rule, a “qualified pharmacy technician” is defined as a currently registered Missouri pharmacy technician who:

1. Holds an active pharmacy technician certification issued by a certification entity accredited by the National Commission for Certifying Agencies,
2. Has an initial and, if applicable, annual documented assessment of competency in medication administration; and
3. Has assisted in the practice of pharmacy as a registered pharmacy technician in the state of Missouri for a minimum of one (1) year.

(B) Proof of an intern’s **or qualified pharmacy technician’s** compliance with subsections (3)(B)–(E) must be maintained by both the supervising pharmacist and the intern pharmacist/**qualified pharmacy technician** for a minimum of two (2) years.

(6) Record Keeping.

(A) Pharmacists administering or supervising administration of medication pursuant to this rule shall ensure the following records are manually or electronically maintained separate from the prescription files of a pharmacy for each administration:

1. The name, address, and date of birth of the patient;
2. The date, route, and anatomic site of the administration;
3. The medication name and dose. For vaccines and biologics, the manufacturer, expiration date, and lot number must also be documented and recorded;
4. For vaccines, the name and address of the patient’s primary health care provider, as identified by the patient or an indication that a primary health care provider was not provided;
5. The identity of the administering pharmacist, or if applicable, the administering intern pharmacist **or qualified pharmacy technician** and his/her supervising pharmacist; and
6. If applicable, the nature of an adverse reaction and who was notified.

(7) Notification Requirements. Pharmacists administering or supervising administration of medication under this rule, shall ensure:

[(A) The patient’s primary health care provider, if provided by the patient, is notified of the following within fourteen (14) days of administering a vaccine:

1. *The identity of the patient;*
2. *The vaccine administered;*
3. *The route of administration;*
4. *The anatomic site of the administration;*
5. *The dose administered; and*
6. *The date of administration;]*

- (A) For vaccines, 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 inclusion of such information in the system by signing a form provided by the pharmacist. Entry into ShowMeVax must occur within fourteen (14) days. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist must provide a written report within fourteen (14) days of administration of a vaccine to the patient's primary 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;
- (B) The prescriber is notified within twenty-four (24) hours after learning of an adverse event or reaction experienced by a patient following administration. Notification is mandatory and cannot be waived. **Vaccine adverse events or reactions must also be reported to the Vaccine Adverse Event Reporting System (VAERS) or its successor, within thirty (30) days; and**
- (9) A qualified pharmacy technician administering medication pursuant to this rule must be supervised by a Missouri-licensed pharmacist who is authorized to administer medication pursuant to this rule and who is physically present at the location when the medication is administered.**

*AUTHORITY: section[s 338.140 and] 338.280, RSMo 2016, and section 338.010.1 and 338.140, RSMo Supp. [2017] 2020. * Emergency rule filed May 1, 2008, effective May 11, 2008, expired Feb. 18, 2009. Original rule filed May 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 15, 2017, effective June 30, 2018. ** Emergency amendment filed Nov. 25, 2020, effective Dec. 10, 2020, expires June 7, 2021. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.