

By: Representative Yancey

To: Public Health and Human
Services

HOUSE BILL NO. 1265

1 AN ACT TO CREATE NEW SECTION 73-21-131, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE PHARMACISTS TO TEST OR SCREEN FOR AND TREAT
3 CERTAIN MINOR, NONCHRONIC HEALTH CONDITIONS AFTER COMPLETING AN
4 APPROVED EDUCATION COURSE AND MEETING OTHER REQUIREMENTS; TO
5 PROVIDE THAT PHARMACISTS WHO TEST FOR AND TREAT INFLUENZA OR
6 STREPTOCOCCUS MUST HAVE AN ESTABLISHED WRITTEN PROTOCOL WITH A
7 SUPERVISING PRACTITIONER APPROVED BY THE STATE BOARD OF PHARMACY;
8 TO REQUIRE PHARMACISTS PROVIDING SERVICES UNDER THIS SECTION TO
9 COMPLETE A CONTINUING EDUCATION COURSE APPROVED BY THE BOARD
10 ADDRESSING ISSUES RELATED TO MINOR, NONCHRONIC HEALTH CONDITIONS
11 FOR EACH ANNUAL LICENSURE RENEWAL; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** The following shall be codified as Section
14 73-21-131, Mississippi Code of 1972:

15 73-21-131. (1) The State Board of Pharmacy, in consultation
16 with the State Board of Medical Licensure and the Mississippi
17 Board of Nursing, shall adopt rules identifying the minor,
18 nonchronic health conditions for which a pharmacist may test or
19 screen for and treat. For purposes of this section, a "minor,
20 nonchronic health condition" is typically a short-term condition
21 that is generally managed with minimal treatment or self-care,
22 including, but not limited to, the following:



23 (a) Influenza;
24 (b) Streptococcus;
25 (c) Lice;
26 (d) Skin conditions, such as ringworm, athlete's foot
27 and others; and
28 (e) Minor, uncomplicated infections.

29 (2) A pharmacist who tests or screens for and treats minor,
30 nonchronic health conditions under this section must:

31 (a) Hold an active and unencumbered license to practice
32 pharmacy in this state;

33 (b) Complete an initial appropriate education course
34 approved by the board, such as the Community Pharmacy Point of
35 Care Testing Certificate Program;

36 (c) Maintain at least Two Hundred Fifty Thousand
37 Dollars (\$250,000.00) of liability coverage or be covered by an
38 employer's liability insurance in an equivalent amount;

39 (d) Report a diagnosis or suspected existence of a
40 disease of public health significance to the State Department of
41 Health in accordance with rules adopted under Section 41-23-1;

42 (e) Upon request of a patient, furnish patient records
43 to a practitioner designated by the patient; and

44 (f) Maintain records of all patients receiving services
45 under this section for a period of five (5) years.

46 (3) The board shall adopt, by rule, within one hundred
47 eighty (180) days after the effective date of this act, a



formulary of medicinal drugs that a pharmacist may prescribe for the minor, nonchronic health conditions approved under subsection (1) of this section. The formulary must include medicinal drugs approved by the United States Food and Drug Administration that are indicated for treatment of the minor, nonchronic health condition, including any over-the-counter medication. The formulary may not include any controlled substance as defined in Section 41-29-105 or 21 USC Section 802.

(4) A pharmacist who tests or screens for and treats minor, nonchronic health conditions under this section may use any tests that may guide diagnosis or clinical decision making that the Centers for Medicare and Medicaid Services has determined qualifies for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988, or the federal rules adopted under that law, or any established screening procedures that can safely be performed by a pharmacist.

(5) (a) A pharmacist who tests for and treats influenza or streptococcus under this section may only provide those services within the framework of an established written protocol with a supervising practitioner approved by the State Board of Pharmacy according to the collaborative practice arrangements allowed by the board.

(b) The protocol between a pharmacist and supervising practitioner under this subsection must include particular terms and conditions imposed by the supervising practitioner relating to



the testing for and treatment of influenza and streptococcus under this section. The terms and conditions must be appropriate to the pharmacist's training. At a minimum, the protocol must include:

(i) Specific categories of patients who the pharmacist is authorized to test for and treat influenza and streptococcus;

(ii) The supervising practitioner's instructions for the treatment of influenza and streptococcus based on the patient's age, symptoms and test results, including negative results;

(iii) A process and schedule for the supervising practitioner to review the pharmacist's actions under the protocol;

(iv) A process and schedule for the pharmacist to notify the supervising practitioner of the patient's condition, tests administered, test results, and course of treatment; and

(v) Other requirements as established by the board by rule.

(c) A pharmacist authorized to test for and treat influenza and streptococcus under the protocol shall provide evidence of current certification by the board to the supervising practitioner. The supervising practitioner shall review the pharmacist's actions in accordance with the protocol.

(7) A pharmacist providing services under this section must complete a continuing education course approved by the board



98 addressing issues related to minor, nonchronic health conditions
99 for each annual licensure renewal in addition to the continuing
100 education requirements under Section 73-21-91. Each pharmacist
101 must submit confirmation of having completed the course when
102 applying for licensure renewal. A pharmacist who fails to comply
103 with this subsection may not provide testing, screening or
104 treatment services.

105 **SECTION 2.** This act shall take effect and be in force from
106 and after July 1, 2020.

