

By: Senator(s) Caughman

To: Public Health and
Welfare

SENATE BILL NO. 2622

1 AN ACT TO REQUIRE THE BOARD OF PHARMACY, IN CONSULTATION WITH
2 THE BOARD OF MEDICAL LICENSURE AND THE STATE DEPARTMENT OF HEALTH,
3 TO ADOPT RULES IDENTIFYING THE MINOR, NONCHRONIC HEALTH CONDITIONS
4 FOR WHICH A PHARMACIST MAY TEST OR SCREEN FOR AND TREAT; TO
5 MANDATE CERTAIN STANDARDS FOR A PHARMACIST WHO TESTS OR SCREENS
6 FOR AND TREATS MINOR, NONCHRONIC HEALTH CONDITIONS; TO REQUIRE THE
7 BOARD OF PHARMACY TO ADOPT A FORMULARY OF MEDICINAL DRUGS THAT A
8 PHARMACIST MAY PRESCRIBE FOR THE MINOR, NONCHRONIC HEALTH
9 CONDITIONS; TO AUTHORIZE A PHARMACIST TO USE ANY TESTS THAT MAY
10 GUIDE DIAGNOSIS OR CLINICAL DECISION-MAKING WHICH THE CENTERS FOR
11 MEDICARE AND MEDICAID SERVICES HAS DETERMINED QUALIFIES FOR A
12 WAIVER; TO REQUIRE A PHARMACIST TO ONLY PROVIDE SUCH SERVICES
13 WITHIN THE FRAMEWORK OF AN ESTABLISHED WRITTEN PROTOCOL WITH A
14 SUPERVISING DOCTOR; TO REQUIRE A SUPERVISING DOCTOR TO REVIEW THE
15 PHARMACIST'S ACTIONS IN ACCORDANCE WITH THE PROTOCOL; TO REQUIRE A
16 PHARMACIST TO COMPLETE A CONTINUING EDUCATION COURSE APPROVED BY
17 THE BOARD OF PHARMACY ADDRESSING ISSUES RELATED TO MINOR,
18 NONCHRONIC HEALTH CONDITIONS PRIOR TO EACH LICENSURE RENEWAL; TO
19 AMEND SECTION 73-25-33, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
20 FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) (a) The Board of Pharmacy, in consultation
23 with the Board of Medical Licensure and the State Department of
24 Health, shall adopt rules identifying the minor, nonchronic health
25 conditions for which a pharmacist may test or screen for and
26 treat.



27 (b) For purposes of this section, a minor, nonchronic
28 health condition is a short-term condition that is generally
29 managed with minimal treatment or self-care, including, but not
30 limited to, the following:

- 31 (i) Influenza;
- 32 (ii) Streptococcus;
- 33 (iii) Lice;
- 34 (iv) Skin conditions, such as ringworm, athlete's
35 foot and others; and
- 36 (v) Minor, uncomplicated infections.

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

39 (a) Have an active, unencumbered license to practice
40 pharmacy in this state;

41 (b) Complete an initial appropriate education course
42 approved by the Board of Pharmacy;

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

46 (d) Report a diagnosis or suspected existence of a
47 disease of public health significance to the State Department of
48 Health pursuant to the Mississippi State Department of Health List
49 of Reportable Diseases and Conditions;



(e) Furnish patient records to a health care practitioner designated by the patient upon request from the patient;

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

(3) The board shall adopt, by rule, within one hundred eighty (180) days upon passage, a formulary of medicinal drugs that a pharmacist may prescribe for the minor, nonchronic health conditions described under subsection (1). The formulary must include medicinal drugs approved by the United States Food and Drug Administration which are indicated for treatment of the minor, nonchronic health condition, including any over-the-counter medication. The formulary shall not include any controlled substance as defined in Section 41-29-1 et seq. or 21 U.S.C. Section 812.

(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 which 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 thereunder, 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 such services



75 within the framework of an established written protocol with a
76 supervising doctor, who shall be a doctor of medicine or a doctor
77 of osteopathy, approved by the Board of Pharmacy according to the
78 collaborative practice arrangements allowed by the Board of
79 Medical Licensure. The Board of Pharmacy and the Board of Medical
80 Licensure shall collaborate to develop the written protocol.

81 (b) The protocol between a pharmacist and a supervising
82 doctor under this subsection must include particular terms and
83 conditions imposed by the supervising practitioner relating to the
84 testing for and treatment of influenza and streptococcus under
85 this section. The terms and conditions must be appropriate to the
86 pharmacist's training. At a minimum, the protocol shall include:

87 (i) Specific categories of patients who the
88 pharmacist is authorized to test and treat;

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

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

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

97 (v) Other requirements as established by the Board
98 of Pharmacy, in consultation with the Board of Medical Licensure.



99 (c) A pharmacist authorized to test for and treat
100 influenza and streptococcus under the protocol shall provide
101 evidence of current certification by the Board of Pharmacy to the
102 supervising doctor.

103 (d) A supervising doctor shall review the pharmacist's
104 actions in accordance with the protocol.

105 (6) (a) A pharmacist providing services under this section
106 must complete a continuing education course approved by the Board
107 of Pharmacy addressing issues related to minor, nonchronic health
108 conditions prior to each licensure renewal in addition to the
109 continuing education requirements under Section 73-21-91.

110 (b) Each pharmacist must submit to the Board of
111 Pharmacy confirmation of having completed the course when applying
112 for licensure renewal.

113 (c) A pharmacist who fails to comply with this
114 subsection may not provide testing, screening, or treatment
115 services under this section.

116 (7) This section shall preempt local laws, regulations and
117 ordinances.

118 **SECTION 2.** Section 73-25-33, Mississippi Code of 1972, is
119 amended as follows:

120 73-25-33. (1) The practice of medicine shall mean to
121 suggest, recommend, prescribe, or direct for the use of any
122 person, any drug, medicine, appliance, or other agency, whether
123 material or not material, for the cure, relief, or palliation of



any ailment or disease of the mind or body, or for the cure or relief of any wound or fracture or other bodily injury or deformity, or the practice of obstetrics or midwifery, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, profit or compensation; provided, that nothing in this section shall apply to females engaged solely in the practice of midwifery.

(2) Notwithstanding the provisions of subsection (1) of this section, a pharmacist's identification of and treatment of minor, nonchronic health conditions, under Section 1 of this act, is not the practice of medicine.

SECTION 3. This act shall take effect and be in force from and after January 1, 2021.

