

By: Representatives Yancey, Hopkins,  
Williamson

To: Public Health and Human  
Services

HOUSE BILL NO. 9

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 State Board of Pharmacy;

35 (c) Maintain at least Two Hundred Fifty Thousand

36 Dollars (\$250,000.00) of liability coverage or be covered by an

37 employer's liability insurance in an equivalent amount;

38 (d) Report a diagnosis or suspected existence of a

39 disease of public health significance to the State Department of

40 Health in accordance with rules adopted under Section 41-23-1;

41 (e) Upon request of a patient, furnish patient records

42 to a practitioner designated by the patient; and

43 (f) Maintain records of all patients receiving services

44 under this section for a period of five (5) years.

45 (3) The State Board of Pharmacy shall adopt, by rule, within

46 ninety (90) days after the effective date of this act, a formulary

47 of medicinal drugs that a pharmacist may prescribe for the minor,



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

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

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

69 (6) A pharmacist providing services under this section must  
70 complete a continuing education course approved by the State Board  
71 of Pharmacy addressing issues related to minor, nonchronic health  
72 conditions for each annual licensure renewal in addition to the



73 continuing education requirements under Section 73-21-91. Each  
74 pharmacist must submit confirmation of having completed the course  
75 when applying for licensure renewal. A pharmacist who fails to  
76 comply with this subsection may not provide testing, screening or  
77 treatment services.

78           **SECTION 2.** This act shall take effect and be in force from  
79 and after July 1, 2023.

