Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

EMERGENCY RULE

20 CSR 2220-2.710 Pharmacy Technician and Intern Pharmacist Supervision

Purpose: This rule defines the required supervision for pharmacy technicians and intern pharmacists.

EMERGENCY STATEMENT: On January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation’s healthcare community in responding to COVID-19. 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 and visitors. The U.S. Centers for Disease Control and Prevention has recommended that Americans limit contact to prevent the spread of illness. In response, multiple states, cities, and businesses have closed or limited business operations. Currently, board rules prohibit the remote provision of designated pharmacy services by pharmacists and/or pharmacy technicians. This prohibition will adversely affect patient care if unanticipated pharmacy closures are required. The board has determined this emergency rule is needed to prevent interruptions in patient care by allowing pharmacists to remotely supervise pharmacy staff assisting in the practice of pharmacy in the event staff is required to function remotely. Absent an emergency rule, Missouri patients would experience abrupt and potentially harmful interruptions in medication access if pharmacies are required to close and cannot handle patient care needs remotely. 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. A proposed rule, which covers the same material, was published in the Missouri Register on March 16, 2020 (45 MoReg 425). The Board is currently seeking to file an emergency rule to allow an early effective date. The scope of this emergency rule 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 June 5, 2020, effective June 19, 2020, and expires September 1, 2020.

(1) Pharmacy technicians and intern pharmacists may assist a pharmacist in the practice of pharmacy as authorized by Chapter 338, RSMo, and the rules of the board, provided delegated tasks are performed under the direct supervision of a pharmacist. Direct supervision means supervision by a Missouri licensed pharmacist who is readily and immediately available at all times the delegated tasks are being performed and who provides personal assistance, direction, and approval throughout the time the delegated tasks are being performed. “Readily and immediately available” means the pharmacist and pharmacy technician(s) or intern pharmacists are on the same physical premises, or if not, technology is used to communicate with and monitor the pharmacy technician and intern pharmacist, as authorized in section (2).

(2) Use of Technology. Except as otherwise provided by law or regulation, technology may be used to directly supervise a pharmacy technician and intern pharmacist, provided:

(A) Sufficient technology is available to allow communication between the pharmacist and the pharmacy technician or intern pharmacist in a manner that is sufficient to provide the personal assistance, direction and approval required to verify and ensure delegated tasks are safely and properly performed. Technicians and intern pharmacists may not be supervised as authorized by this subsection if the required technology is not operating or available;

(B) All applicable state and federal laws are fully observed, including, but not limited to, all applicable privacy and confidentiality laws;

(C) The pharmacy technician or intern pharmacist has completed employer approved training in the activities performed and has an initial and annual documented assessment of competency. Documentation of the completed training and competency assessment must be maintained in the pharmacy’s records for a minimum of two (2) years and provided to the Board or the Board’s designee upon request; and

(D) The supervising pharmacist and the permit holder must maintain a sufficient audit trail of prescription/medication order data entry and modifications to a patient record performed by a pharmacy technician or intern pharmacist being supervised as authorized by this subsection. The record must include the identity of the pharmacy technician or intern pharmacist performing the data entry or modification and must be maintained in the pharmacy’s records for a minimum of five (5) years.

(3) The supervising pharmacist and permit holder shall retain responsibility for activities delegated to a pharmacy technician or intern pharmacist.

(4) Nothing in this rule shall override the provisions of 20 CSR 2220-2.010.

(5) Unless otherwise provided by law or court of competent jurisdiction, the provisions of this rule are only applicable to pharmacy services under the jurisdiction of the board and are not applicable to hospital pharmacy services under the jurisdiction of the Missouri Department of Health and Senior Services pursuant to Chapter 197, RSMo.


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

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