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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

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January 4, 2021 January 15, 2021	<b>February 1, 2021</b> <b>February 16, 2021</b>	February 28, 2021 February 28, 2021	March 30, 2021 March 30, 2021

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year’s schedule, please check out the website at [sos.mo.gov/adrules/pubsched](http://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

<b>Title</b>		<b>Division</b>	<b>Chapter</b>	<b>Rule</b>
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 5—Working Hours, Holidays and Leaves of  
Absence**

**EMERGENCY AMENDMENT**

**1 CSR 20-5.020 Leaves of Absence.** The Personnel Advisory Board is amending section (1).

*PURPOSE: This amendment delays by two (2) months the date on which the unliquidated accumulation of annual leave by state employees which exceeds the maximum allowable accumulation shall lapse.*

*EMERGENCY STATEMENT: This emergency amendment delays by two (2) months the date on which the unliquidated accumulation of annual leave by state employees which exceeds the maximum allowable accumulation shall lapse. Many employees have been and/or are currently unable to use their accumulated annual leave because it has been and/or is necessary that they report to work to perform critical functions during the COVID-19 pandemic. This recent inability to use accumulated annual leave would result in the lapse of significant annual leave over the maximum or the concentration of leave usage in October 2020 with an attendant absence from work by employees whose presence is necessary to perform critical functions during the COVID-19 pandemic. Under the current rule, the lapse would occur at the close of business on October 31, 2020, and a regular rule can-*

*not be effective by that date. Delaying the date on which the lapse will occur by two (2) months will allow employees additional time in which to use their accumulated annual leave while also allowing for a lesser concentration of annual leave usage for the remainder of 2020, assisting state agencies in performing critical functions during the COVID-19 pandemic. The Personnel Advisory Board therefore finds that an immediate danger to the public health, safety, or welfare requires emergency action and that this emergency rule amendment is necessary to preserve a compelling governmental interest that requires an early effective date. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. This emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 9, 2020, becomes effective October 30, 2020, and expires January 31, 2021.*

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(A) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be entitled to annual leave or vacation with full pay as follows:

1. If they are paid on a semi-monthly pay period, computed at the rate of five (5) hours for each semi-month of service, in which they are in pay status for eighty (80) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of six (6) hours per semi-month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of seven (7) hours per semi-month;

2. For the purposes of this rule—

A. For employees paid on a semi-monthly pay period, any semi-month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a semi-month of state service. For employees paid on a semi-monthly pay period annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and pro-rated for all hours in which they are in pay status from forty to eighty (40–80) hours;

B. Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their annual leave compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

3. Annual leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service except that this provision shall not apply to an employee who has submitted a formal notice of retirement;

4. Except when granted in accordance with subsection (1)(E), annual leave or vacation with pay shall be granted at the times public service will best permit and only on written application approved by the appointing authority;

5. Annual leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

6. Notwithstanding any other provisions to the contrary, any employee placed on a furlough without pay, pursuant to 1 CSR 20-3.070(8), or who voluntarily requests a leave of absence without pay in lieu of being furloughed, shall continue to earn annual leave as if the employee had actually been working during the time of the furlough. Upon approval of the appointing authority, an employee in a position subject to a furlough may take a voluntary leave of absence without pay in lieu of being furloughed;

(B) Annual leave or vacation with pay shall not be allowed to

employees who are employed on a noncontinuing basis in positions of limited duration requiring less than the equivalent of six (6) months of full-time employment in any twelve (12)-month period, whether this be on an emergency, temporary, limited temporary, hourly or per diem basis. Employees who are ineligible to earn annual leave under this rule shall be identified as ineligible at the time of appointment or assignment and shall be notified of their ineligibility. If the term of limited duration employment is extended to the equivalent of six (6) months or more of full-time work in any twelve (12)-month period, the employee shall be credited with earned annual leave for that period of employment in excess of six (6) months. If a limited duration appointment is followed without break in service by appointment to a position of a continuing or permanent nature, the employee shall be credited with earned leave for the initial period of limited duration employment;

(C) Employees who are employed on an intermittent or regularly scheduled part-time basis except those employed in positions of limited duration requiring less than the equivalent of six (6) months of full-time employment in any twelve (12)-month period, shall earn annual leave in accordance with the schedule of leave accruals enumerated in subsection (1)(A);

(D) The maximum allowable accumulation of annual leave shall not exceed forty-eight (48) times an employee's current full-time semi-monthly accrual rate. This maximum accrual shall apply in the following manner:

1. At the close of business on *[October]* **December 31** of any calendar year, unliquidated accumulation of annual leave which exceeds the maximum allowable accumulation shall lapse and credit for the excess leave shall not be carried forward to the month of *[November]* **January**;

2. An employee entitled to annual leave who has resigned or otherwise separated from the service shall be entitled to receive reimbursement for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

3. An employee who transfers to another department or who is appointed to a position in another department without break in service shall be entitled to receive reimbursement, under the provisions of subsection (1)(G), for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

4. If, in the initial year of transition to the annual application of the annual leave maximum, an appointing authority finds that there has been a serious reduction in contributions by employees to a ShareLeave program as defined by 1 CSR 20-5.025, the appointing authority may request from the board a temporary authorization to add leave with pay as defined by 1 CSR 20-5.020(8)(B)5. to the ShareLeave balance as a means to maintain the program;

(E) When applicable, reimbursement for accumulated annual leave shall be based on the employee's rate of pay at the time of separation and shall be computed uniformly on the basis of the standard annual hourly rate of pay of the employee as determined by dividing the employee's annual full-time salary rate by two thousand eighty (2080);

(F) Annual leave shall be granted and liquidated in multiples of one-quarter (1/4) hour except that this provision shall not apply in the case of an employee required to exhaust all appropriate leave balances in accordance with 1 CSR 20-5.020(7)(A)2.F. or when it is appropriate and necessary for an employee to exhaust balances in one leave category prior to using another leave category;

(G) An employee who transfers to another department or who is appointed to a position in another department without break in service shall be reimbursed for all his/her accrued leave which does not exceed the maximum allowable accumulation by the department which the employee is leaving, except that on the employee's request and with the approval of the appointing authority of the receiving department the employee may carry all or part of accrued annual leave to that department. Accrued annual leave under this subsection shall be reimbursed in the manner prescribed in subsection (1)(E). Each department will establish a policy providing for the consistent

transfer reimbursement of accumulated annual leave when employees transfer or are appointed to positions in another division of service within the department;

(H) If an employee is granted annual leave and subsequently is recalled to duty during the leave period because of emergency conditions requiring the employee's services, annual leave credits shall be restored for the time worked unless this has the effect of causing accrued annual leave to exceed the maximum accrual allowed under subsection (1)(D), in which case the employee shall be granted equal compensatory time off or at the discretion of the appointing authority shall be granted straight-time cash compensation for the time worked;

(I) Annual leave shall be taken upon a workday basis. Holidays falling within a period of annual leave shall not be counted as workdays;

(J) Annual leave shall not be anticipated. Annual leave taken shall be construed to have been earned prior to the time it was taken;

(K) Annual leave shall not accrue to any employee while on leave of absence without pay; and

(L) Employees of the Missouri School for the Blind, Missouri School for the Deaf, and State Schools for the Severely Handicapped, who are employed for the academic year established for those schools and whose work schedule and attendance are regulated by the class calendar of those schools, shall be exempt from the provisions of this section. In lieu of annual leave or vacation with pay as provided in 1 CSR 20-5.020(1)(A), annual leave and annual leave compensation for these employees shall be as established by the appointing authority in a comprehensive leave policy consistent with the work schedule necessary to accommodate the annual academic calendar of their schools.

*AUTHORITY: section 36.070, RSMo Supp. [2018] 2020, and section 36.350, RSMo 2016. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 9, 2020, effective Oct. 30, 2020, expires Jan. 31, 2021.*

*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.*

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

**EMERGENCY RULE**

**20 CSR 2220-2.680 Class R-Remote Dispensing Site Pharmacy**

*PURPOSE: This rule defines licensing requirements and compliance standards for Class-R Remote Dispensing Site pharmacies.*

*EMERGENCY STATEMENT: Section 338.215, RSMo, was recently enacted and became effective on August 28, 2020. Section 338.215, RSMo, establishes a Class R Remote Dispensing Site pharmacy which is authorized to prepare, dispense, and compound medication for patient dispensing without a pharmacist physically present at the Class R site to monitor and supervise pharmacy activities. Additionally, section 338.215, RSMo, authorizes dispensing of prescriptions/medication orders that have been remotely verified by a pharmacist for accuracy using compliant technology, in lieu of physical, in-person verification of the final prescription/medication order*

by a Missouri-licensed pharmacist. This proposed emergency rule would protect the public health and welfare by establishing safety and licensing standards to prevent medication errors and ensure safe and accurate dispensing of prescription drugs by Class R pharmacies. The proposed emergency rule also establishes supervisory requirements for Class R pharmacies operating without a pharmacist physically present to ensure pharmacy activities are safely and properly conducted. According to the national Institute of Medicine and the United States Centers for Medicare and Medicaid Services (CMS), medication errors are among the most common medical errors harming at least 1.5 million people per year. Proper supervision and oversight of Class R pharmacies by a Missouri licensed pharmacist with the training, knowledge and expertise needed to ensure safe medication dispensing is vital to protecting the lives 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 of Missouri citizens and a compelling governmental interest that requires this emergency action. Absent an emergency rule, sufficient safeguards will not be in place to ensure safe and accurate Class R pharmacy dispensing and operations. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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 September 3, 2020, becomes effective September 18, 2020, and expires March 16, 2021.

(1) Definitions.

(A) "Community Mental Health Center"—A community mental health center as defined by 42 CFR § 410.2, section 205.975, RSMo, or the Missouri Department of Mental Health.

(B) "Federally qualified health center"— A federally qualified health center as defined by 42 U.S.C. § 1396d(l)(2)(B), as amended.

(C) "Intern Pharmacist"—An individual who holds a current and active Missouri intern pharmacist license and has completed employer approved training in the activities to be performed at the Class R pharmacy and has an initial and annual documented assessment of competency.

(D) "Outpatient Clinic"—A facility where healthcare services are provided by a licensed healthcare provider on the facility's premises to patients who are not hospitalized or admitted to the outpatient clinic for greater than twenty-three (23) hours.

(E) "Qualified Pharmacy Technician"—A currently registered Missouri pharmacy technician who:

1. Holds an active pharmacy technician certification issued by a certification entity accredited by the National Commission on Certifying Agencies,

2. Has completed employer approved training in the activities to be performed at the Class R pharmacy and has an initial and annual documented assessment of competency; 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.

(F) "Remote Dispensing Site Pharmacy"—Any location in this state where the practice of pharmacy occurs that is staffed by one (1) or more qualified pharmacy technicians or intern pharmacists whose activities are supervised by a pharmacist at a supervising pharmacy that is under common ownership through a continuous real-time audio and video link. A remote dispensing site pharmacy does not include a dispensing prescriber's office or an automated device.

(G) "Retail Pharmacy"—A pharmacy licensed by the board that is open to, and offers pharmacy services to, the general public.

(H) "Rural Health Clinic"— A rural health clinic as defined by the federal Rural Health Clinic Services Act, PL. 95-210, as amended.

(I) "Supervising pharmacy"—A Missouri licensed pharmacy located in this state or approved by the board that oversees the dispensing

activities of a Class R pharmacy.

(2) A Class R pharmacy permit is required for any Missouri location operating, or offering to operate, as a remote dispensing site pharmacy in Missouri. Applications for a Class R permit must be submitted on a form approved by the board with the pharmacy permit fee, in accordance with 20 CSR 2220-2.020.

(A) Class R pharmacy permits expire and must be renewed, as provided by Chapter 338, RSMo and 20 CSR 2220-2 for pharmacy permits. Renewal applications must be submitted on a form approved by the board with the applicable renewal fee.

(B) Class R pharmacies must be located at least ten (10) miles away from an existing retail pharmacy unless the Class R pharmacy is part of a community mental health center, federally qualified health center, rural health clinic, or outpatient clinic setting. Requests to waive the mileage requirement may be submitted to the board in writing along with documentation supporting the request. The board will consider the following factors when determining whether to grant a waiver request:

1. The availability of pharmacy services in the proposed pharmacy area;

2. The nature of proposed Class R pharmacy services;

3. Benefits or risks to patient care;

4. The applicant's and supervising pharmacy's experience and compliance history; and

5. Any other factor that may benefit or adversely impact patient safety.

(C) Class R pharmacies shall be authorized to provide Class A, Class B, and Class C pharmacy services with a Class R permit. Class R pharmacies must apply for and hold the applicable pharmacy permit classification identified in section 338.220, RSMo, for any additional pharmacy services provided by the pharmacy. A Class J Shared services permit is not required for Class R pharmacies engaged in shared pharmacy services with the supervising pharmacy. If the Class R pharmacy is engaged in Class J shared services with another pharmacy, or has an arrangement to provide or receive Class J shared services with another pharmacy, the supervising pharmacy, the remote dispensing site and all involved pharmacies must have a Class J shared services permit and comply with 20 CSR 2220-2.650.

(D) By the tenth (10<sup>th</sup>) day following each calendar quarter, Class R pharmacies must calculate the average number of prescriptions dispensed by the pharmacy per day during the previous calendar quarter, excluding immunizations given by protocol (e.g., January 10, April 10, July 10, October 10).

1. If the average number of prescriptions or medication orders dispensed by the pharmacy during the previous quarter exceeds one hundred fifty (150) prescriptions/medication orders per day, excluding immunizations given by protocol, the pharmacy must apply for a change of classification to add a Class A, B, or C permit classification within ten (10) days of discovery. Change of classification requests must be submitted on a form approved by the board with the applicable fee. Class R operations must cease once a Class A, B or C permit is issued by the board.

2. Class R operations may resume if the daily average number of prescriptions dispensed by the pharmacy does not exceed one hundred fifty (150) prescriptions/medications orders during a calendar quarter (January 1–March 31, April 1–June 30, July 1–September 30, or October 1–December 31). The pharmacy's Class A, B or C pharmacy classification must be surrendered to the board within five (5) days of resuming Class R operations.

(3) Supervising Pharmacies. Class R pharmacies must be under the supervision of a supervising pharmacy, as required by section 338.215, RSMo. The supervising pharmacy must ensure the Class R pharmacy is properly and safely operated in compliance with applicable state and federal law. Effective policies and procedures must be in place to ensure appropriate oversight of a Class R pharmacy at all times.

(A) The supervising pharmacy and Class R pharmacy must manually or electronically maintain a current and accurate written policy and procedure manual that complies with section 338.215, RSMo.

(B) The supervising pharmacy and Class R pharmacy must share a common database or have access to each other's prescription record-keeping system. The common database or shared system must allow real-time, online access to the patient's complete profile for both the supervising pharmacy and the Class R pharmacy.

(C) Supervising pharmacies must be located in Missouri and within fifty (50) miles of the supervised Class R pharmacy site, unless otherwise approved by the board. Requests to waive the location and mileage requirements must be submitted to the board in writing along with proof the Class R pharmacy will be sufficiently supported by the supervising pharmacy and that necessary personnel or supplies can be delivered to the Class R pharmacy within a reasonable period of time of an identifiable need. The board will also consider the factors identified in subsection (2)(B) of this rule when reviewing a waiver request.

(D) A Class R pharmacy must immediately cease operations if the supervising pharmacy and Class R pharmacy are no longer under common ownership, the supervising pharmacy is no longer eligible to supervise the Class R pharmacy, or the supervising pharmacy's Missouri pharmacy permit is not current and active. Class R operations may resume once the supervising pharmacy's permit returns to active or eligible status or common ownership is reestablished.

(4) Class R Standards of Operation. Except as otherwise authorized by law, Class R pharmacies must comply with all laws and regulations applicable to the pharmacy services provided by the Class R pharmacy, including, 20 CSR 2220-2.010.

(A) Class R pharmacies must be staffed by a current and active Missouri licensed pharmacist at least eight (8) hours a month. At a minimum, the pharmacist-in-charge (PIC) of the Class R pharmacy must visit the remote dispensing site weekly during the first month of operation to verify compliance and monthly thereafter. The date of the monthly PIC compliance visit must be documented in the pharmacy's records.

(B) Class R pharmacies must maintain a perpetual inventory for all controlled substances that is reconciled twice per month. The PIC must review the reconciliation for accuracy/discrepancies during the compliance visits required by subsection (4)(A).

(C) A prominent sign must be posted at the Class R pharmacy notifying patients that the remote dispensing site is supervised by the supervising pharmacy along with the supervising pharmacy's name, address, and telephone number.

(D) Intern pharmacists and qualified pharmacy technicians activities must be supervised by a Missouri-licensed pharmacist present at the Class R pharmacy or remotely supervised by a Missouri-licensed pharmacist located at the supervising pharmacy using technology that provides a continuous real-time audio and video link. The required technology must allow the supervising pharmacist to provide the personal assistance, direction, and approval needed to verify and ensure remote tasks are safely and properly performed. The supervising pharmacist must be employed by the supervising pharmacy, as required by section 338.215, RSMo, and must be competent to perform the services being supervised. A pharmacist cannot supervise more than two (2) Class R pharmacies at the same time.

(E) A Class R pharmacy may not be operated if the required supervision technology is unavailable or not in working order unless a pharmacist is onsite. The no pharmacist on duty sign required by 20 CSR 2220-2.010 must be posted in the event of a technology or system malfunction that requires the Class R pharmacy to cease operations.

(5) Medication Dispensing. Prescriptions/Medication orders may be prepared, dispensed, or compounded at a Class R pharmacy, as authorized by section 338.215, RSMo, and the rules of the board.

(A) The final contents and label of a prescription/medication order

must be verified by a Missouri licensed pharmacist at the Class R pharmacy, or remotely verified by a Missouri licensed pharmacist located at the supervising pharmacy through the use of technology that includes bar coding and visual review of the medication contents and affixed label via remote video. The verifying pharmacist must be employed by the supervising pharmacy, as required by section 338.215, RSMo.

(B) Patient counseling must be provided for all new and refill prescriptions, unless refused by the patient. The required patient counseling must be provided by a Missouri licensed pharmacist at the Class R pharmacy or remotely provided by a Missouri licensed pharmacist at the supervising pharmacy via a HIPAA-compliant continuous real-time video and audio link, as authorized by section 338.215, RSMo. Medication may not be dispensed without a pharmacist physically present at the Class R pharmacy if the required counseling technology is not available or in working order. Remote patient counseling via technology may not be delegated to an intern pharmacist.

(C) Policies and procedures must be established to ensure appropriate pharmacist review of verbal prescription orders received by an intern pharmacist or qualified pharmacy technician at a Class R pharmacy when a pharmacist is not present.

(6) Adequate security and supervision must be maintained at all times to prevent unauthorized access to a Class R pharmacy and prevent medication theft and diversion.

(A) An alarm mechanism must be maintained that alerts the supervising pharmacy or the Class R pharmacist-in-charge in the event of unauthorized access to the remote dispensing site. Unauthorized access to a Class R pharmacy must be documented and reported to the board in writing within seven (7) days of discovery.

(B) Confidential records must be securely maintained to prevent unauthorized access and ensure secure data access and storage at all times.

(7) Record-Keeping.

(A) Except as otherwise provided by law, Class R pharmacies shall comply with all applicable record-keeping and documentation requirements of Chapter 338, RSMo, and the board's rules.

(B) Class R pharmacies must also maintain documentation of:

1. The number of prescriptions dispensed by the Class R pharmacy each calendar quarter; and

2. Proof that qualified pharmacy technicians and intern pharmacists assisting at a Class R pharmacy have completed the experience, training and competency assessment required by this rule.

(C) Records required by this rule must be manually or electronically maintained for two (2) years at the Class R pharmacy, or at the supervising pharmacy if the Class R pharmacy is no longer operating, and must be readily retrievable on request of the board or the board's authorized designee.

*AUTHORITY: section 338.280, RSMo 2016, and sections 338.140 and 338.215, RSMo Supp. 2020. Emergency rule filed Sept. 3, 2020, effective Sept. 18, 2020, expires March 16, 2021. A proposed rule covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency rule 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 rule will cost private entities six thousand nine hundred forty-seven dollars and sixty cents (\$6,947.60) in the time the emergency is effective.*



**FISCAL NOTE  
PRIVATE COST**

**I. Department Title:** Department of Commerce and Insurance  
**Division Title:** State Board of Pharmacy  
**Chapter Title:** General Rules

<b>Rule Number and Title:</b>	<b>20 CSR 2220-2.680 Class R - Remote Dispensing Site Pharmacy</b>
<b>Type of Rulemaking:</b>	<b>Emergency Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	New Class R Pharmacy Applicants	\$ 6,947.60 <i>in the time the emergency is effective</i>

**III. ASSUMPTIONS/WORKSHEETS**

The following general estimations were used to calculate private fiscal costs:

1. The proposed rule/emergency rule requires an additional three (3) weekly visits to a Class R pharmacy by the designated pharmacist-in-charge during the first month of Class R operations.
2. Class R pharmacies are a newly licensed pharmacy classification, effective August 28, 2020. Accordingly, insufficient data exists to estimate the number of potential Class R pharmacy applicants per year or full fiscal impact. Based on staff research and licensee feedback, however, the Board estimates the following:
  - Approximately five (5) new Class R pharmacy applications will be submitted during the emergency rule effective period.
  - One (1) additional hour of pharmacist time would be required under the rule for each weekly compliance visit, with an estimated pharmacist-in-charge hourly salary of \$ 72.34. The estimated hourly salary is based on an average pharmacist hourly salary of \$ 60.34 as reflected in 2019 data from the United States Bureau of Labor Statistics Occupational Employment and Wages, with a 20% enhancement for a supervisory pharmacist-in-charge.
  - A remote dispensing site must be within fifty (50) miles of the supervising pharmacy, pursuant to § 338.215.10. Accordingly, the Board estimates round-trip mileage of 100 miles per compliance visit, although actual mileage may be significantly lower. The Board further estimates a mileage reimbursement rate of 57.5 cents per mile based on the 2000 standard mileage reimbursement rate recognized by the United States Internal Revenue Service.

3. Accordingly, the Board estimates an aggregate private fiscal impact for the required compliance visits of \$ 1,947.60 per year, recurring annually over the life of the rule (\$ 72.34 pharmacist hourly salary x 1 hour per compliance visit x 3 additional compliance visits x 5 new pharmacy applicants per year plus \$ 862.50 mileage reimbursement (100 miles per compliance visit x 3 compliance visits x 5 Class R pharmacies x 57.5 cents per mile)).
4. To ensure security of drugs and confidential patient records, the rule requires that Class R pharmacies have an alarm mechanism that alerts the supervising pharmacy or designated pharmacist-in-charge in the event of unauthorized access. The Board estimates the minimum required alarm equipment and notification system will cost each pharmacy approximately \$ 1,000 per year, with a total estimated annual fiscal cost of \$5,000 per year recurring annually over the life of the emergency rule (\$ 1,000 alarm costs x 5 Class R pharmacies).
5. Total estimated costs may vary with inflation and increase at the rate projected by the Legislative Oversight Committee and the Internal Revenue Service.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

EXECUTIVE ORDER  
20-14

WHEREAS, on March 13, 2020, Executive Order 20-02 invoked the provisions of sections 44.100 and 44.110, RSMo, and declared a state of emergency that exists in the State of Missouri due to the presence and spread of COVID-19; and

WHEREAS, on April 6, 2020, I signed Executive Order 20-08 in order to allow for remote notary services in the State of Missouri; and

WHEREAS, due to the continued public health threat of COVID-19, I extended that state of emergency and the provision for remote notary services in Executive Order 20-12; and

WHEREAS, Chapter 474 requires physical appearance for the principal, notary and witnesses to execute legal documents; and

WHEREAS, physical appearance is required under Chapter 474 for principals and witnesses to execute legal documents; and

WHEREAS, Missouri citizens need to execute important legal documents under Chapter 474 as a result of the restrictions.

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including Chapter 44, RSMo, hereby order that, to the extent that any Missouri statute requires the physical presence of any testator, settlor, principal, witness, notary or other person for the effective execution of any estate planning document such as a will, trust or power of attorney, or a self-proving affidavit of the execution of such document, such provisions are suspended or waived, and satisfied if the following conditions are met:

1. The signor must affirmatively represent that he or she is physically situated in the State of Missouri.
2. The notary must be physically located in the State of Missouri and state which county they are physically in for the jurisdiction on the acknowledgement.
3. The notary must identify the signors to their satisfaction and current law.
4. Any person whose signature is required may appear via using video conference software where live, interactive audio-visual communication between the principal, notary, and other necessary person which allows for observation, direct interaction, and communication at the time of signing.

- 5. The notary shall record in their journal the exact time and means used to perform the notarial act along with all other required information, absent the wet signatures.

FURTHERMORE, the fees allowed for notarization under this executive order shall be the same as those allowed for other notarial acts, except a fee charged for the use of a remote online notary platform or service shall not be considered a fee for a notarial act pursuant to Section 486.685, RSMo; and

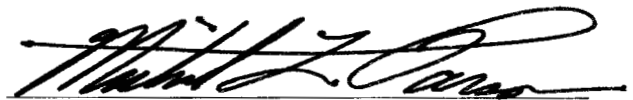
FURTHERMORE, any notarial act in compliance with this order shall have the same force, effect, and validity as any other notarial act performed in compliance with Missouri law, and may be relied upon to the same extent as any other notarial act under Missouri law; and

FURTHERMORE, the Secretary of State shall retain the powers provided to him under the law to investigate and adjudicate any notary complaint related to the methods of notarization under this executive order; and

FURTHERMORE, that if the document needs to be presented in a paper medium, it shall satisfy the requirements of being an original document, and prima facie evidence, if the notary prints the document and affixes an attestation stating that it is a true and correct copy of the electronic document, shall state it was performed pursuant to Executive Order 20-14 and the Notary signs and affixes their rubber stamp notary seal.

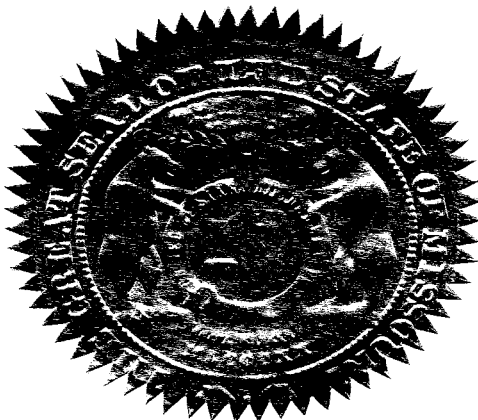
This order shall terminate on December 30, 2020, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 3rd day of September, 2020.



MICHAEL L. PARSON  
GOVERNOR

ATTEST:




JOHN R. ASHCROFT  
SECRETARY OF STATE

**Executive Order 20-15**

**WHEREAS**, all Missouri workers should receive fair compensation and workplace protections based on the nature of the work they perform; and

**WHEREAS**, employers and employees in Missouri are committed to practices that enhance the stability of the unemployment insurance trust fund, the workers' compensation fund, and other programs designed to create a prosperous economy; and

**WHEREAS**, successfully identifying and reducing worker misclassification depends on the close cooperation between businesses and state agencies; and

**WHEREAS**, improperly classifying individuals as "independent contractors" instead of "employees" reduces the number of workers who are eligible for economic protections, such as unemployment insurance and workers' compensation, and economic benefits; and

**WHEREAS**, underpayments of wages, unemployment insurance contributions, workers' compensation insurance, and payroll taxes can result in millions of dollars in losses to state government and taxpayers; and

**WHEREAS**, misclassification of workers creates competitive disparities which disadvantages law-abiding businesses; and

**WHEREAS**, enforcement efforts to address the problem of misclassification can be enhanced and made more efficient through interagency cooperation, information sharing, compliance assistance, educational outreach, and joint enforcement efforts against serious violators; and

**WHEREAS**, the creation of an interagency task force has proven to be an effective mechanism for coordinating, enhancing, and streamlining enforcement in this area.

**NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI**, by the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby create the Interagency Task Force on Worker Classification ("Task Force") and order the following:

1. The Task Force shall be staffed by the Department of Labor and Industrial Relations with technical assistance provided by staff of other agencies as needed. The Task Force shall consist of:
  - a. The Director of the Department of Labor and Industrial Relations or his or her designee, who shall serve as the chair;
  - b. The Attorney General or his or her designee;
  - c. The Director of the Department of Revenue or his or her designee;
  - d. The Director of the Department of Commerce and Insurance or his or her designee;
  - e. The Director of the Worker's Compensation Division of the Department of Labor and Industrial Relations;
  - f. The Director of the Employment Security Division of the Department of Labor and Industrial Relations;
  - g. The Director of the Labor Standards Division of the Department of Labor and Industrial Relations; and
  - h. Other individuals appointed by the Governor to serve at the pleasure of the Governor, including at least one individual representing workers and at least one individual representing the business community.

2. The Task Force shall facilitate communication of investigations and enforcement of worker misclassification matters by the Department of Labor and Industrial Relations, Department of Revenue, Department Commerce and Insurance, and other relevant agencies. This includes, but is not limited to:
  - a. Examining and evaluating existing misclassification enforcement by agencies;
  - b. Facilitating sharing amongst the Task Force members of information related to suspected worker misclassification violations, in a timely manner as permitted by law;
  - c. Developing recommendations for pooling, focusing, and targeting investigative and enforcement resources;
  - d. Assessing existing methods, both within Missouri and in other jurisdictions, of preventing, investigating, and taking appropriate enforcement actions against worker misclassification violations, and to develop best practices for participating agencies to improve their prevention and enforcement efforts;
  - e. Working cooperatively with business, labor, and community groups interested in reducing worker misclassification, including but not limited to:
    - i. Seeking ways to prevent worker misclassifications, such as through the further dissemination of educational materials and community outreach regarding the legal difference between independent contractors and employees; and
    - ii. Enhancing mechanisms for identifying and reporting worker misclassification where it does occur.
  - f. Increasing public awareness and community outreach to explain the illegal nature of and harms caused by worker misclassification; and
  - g. Reviewing statutes and regulations related to worker misclassification and recommending any appropriate changes to relevant legislation or administrative rules.
3. The Task Force shall issue a report to the Governor on or before December 31 of each year, beginning in 2020, and in subsequent years until dissolution. The report shall include, but is not limited to:
  - a. Describing the accomplishments and recommendations of the Task Force;
  - b. The amounts of wages, taxes, or other payments of penalties collected with coordinated agency activities;
  - c. Identifying any administrative or legal barrier impeding more effective interagency coordination, including any barriers to information sharing or joint actions; and
  - d. Identifying successful mechanisms for preventing worker misclassification, and thereby reducing the need for greater enforcement.
4. Every agency, department, office, division, or public authority of the State of Missouri shall, in accordance with Chapter 610, RSMo., cooperate with the Task Force and furnish such information and assistance as the Task Force determines is reasonably necessary to accomplish its purposes.

5. The Task Force shall submit its final report to the Governor by December 31, 2024, at which point the Task Force shall be dissolved unless reauthorized or superseded by a subsequent Executive Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 11<sup>th</sup> day of September, 2020.

A handwritten signature in black ink, appearing to read "Michael L. Parson", written over a horizontal line.

MICHAEL L. PARSON  
GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written over a horizontal line.

JOHN R. ASHCROFT  
SECRETARY OF STATE

EXECUTIVE ORDER  
20-16

WHEREAS, COVID-19 is a novel acute respiratory illness that is spread through close contact between persons and respiratory transmissions and is highly contagious; and

WHEREAS, I have been advised by the Missouri Department of Health and Senior Services and the State Emergency Management Agency that COVID-19 continues to pose a serious health risk for the citizens of the State of Missouri. The spread of COVID-19 and the identification of additional cases in Missouri are likely to continue, and steps are being taken to prevent a substantial risk to public health and safety; and

WHEREAS, Executive Order 20-02 was issued on March 13, 2020; extended on April 24, 2020 until June 15, 2020, through Executive Order 20-09; and extended on June 11, 2020 until December 30, 2020, through Executive Order 20-12 declaring a State of Emergency within the State of Missouri; and

WHEREAS, Executive Order 20-06 was issued on March 26, 2020; extended on May 4, 2020 until June 15, 2020, through Executive Order 20-10; and extended on June 11, 2020 until September 15, 2020, through Executive Order 20-12, ordering and directing the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor; and

WHEREAS, through Presidential Memo #11, issued June 2, 2020, the President, by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207, and section 502 of title 32, United States Code, extended the activation of the National Guard until August 21, 2020, to continue federal support for the Governors' use to respond to COVID-19 and to facilitate economic recovery; and

WHEREAS, through Presidential Memo #12, issued August 3, 2020, the President, by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207, and section 502 of title 32, United States Code, extended the activation of the National Guard until December 31, 2020, to continue federal support for the Governors' use to respond to COVID-19 and to facilitate economic recovery; and

WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, are still required to ensure the protection, safety, and welfare of the citizens of Missouri; and

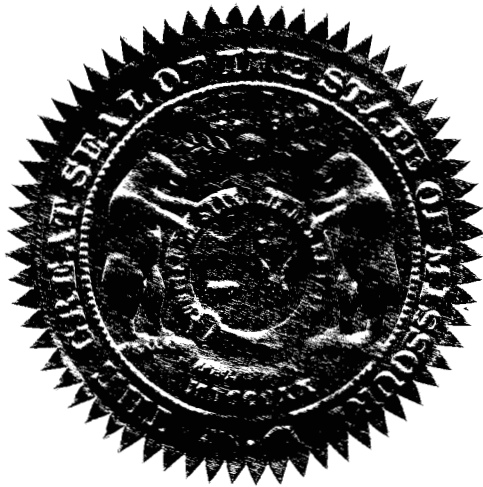
WHEREAS, under Executive Order 20-12, the State of Emergency will expire on December 30, 2020 and the order to the Adjutant General of the State of Missouri and the activation of the Missouri National Guard will expire on September 15, 2020, unless extended in whole or in part; and

WHEREAS, I find it necessary to extend to December 30, 2020 the order to the Adjutant General of the State of Missouri and activation of the Missouri National Guard.



NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, hereby extend to December 30, 2020 the order to the Adjutant General of the State of Missouri, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property contained in Executive Order 20-12.

This order shall terminate on December 30, 2020, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 15<sup>th</sup> day of September, 2020.

Michael L. Parson  
Governor

ATTEST:

  
John R. Ashcroft  
Secretary of State