

*****MISSOURI BOARD OF PHARMACY
COVID-19 STATUTORY/RULE WAIVERS*****
(4-15-20)

On March 13, 2020, Governor Parsons issued [Executive Order 20-02](#) which declared a State of Emergency after confirmed and/or presumptive positive cases of COVID-19 in Missouri. Governor Parsons subsequently issued [Executive Order 20-04](#) which granted Boards within the Division of Professional Registration authority to temporarily waive or suspend the operation of statutory rule or administrative requirements to best serve public health and safety.

Pursuant to [Executive Order 20-04](#), the following provisions of Missouri law are being waived during the State of Emergency subject to the following restrictions/requirements (*updated 4-15-20*):

Statute/Rule	Waiver Description
§ 338.013	<ul style="list-style-type: none">Waiver granted to allow Missouri licensed pharmacies to use individuals licensed/registered as pharmacy technicians in another U.S. state or territory to provide pharmacy services during the State of Emergency, provided such non-resident license/registration is current and in good standing. *See Bd. Supplemental guidance (3/23/20) for additional guidelines.Waiver granted to allow pharmacy technicians licensed/registered in another U.S. state or territory to practice in Missouri during the State of Emergency to assist:<ol style="list-style-type: none">A hospital or medical care facility that is licensed or owned by the State, andA hospital or medical care facility licensed by the Missouri Department of Health and Senior Services or the Department of Mental Health.
§ 338.020	<ul style="list-style-type: none">Waiver granted to allow Missouri licensed pharmacies to use individuals licensed as pharmacists in another U.S. state or territory to provide pharmacy services during the State of Emergency, provided such non-resident license is current and in good standing. *See Bd. Supplemental guidance (3/23/20) for additional guidelines.Waiver granted to allow pharmacists licensed in another U.S. state or territory to practice in Missouri during the State of Emergency to assist:<ol style="list-style-type: none">A hospital or medical care facility that is licensed or owned by the State, andA hospital or medical care facility licensed by the Missouri Department of Health and Senior Services or the Department of Mental Health.

§ 338.056/20 CSR 2220-3.011(3)	Waiver granted to allow pharmacists to substitute albuterol inhalers (albuterol sulfate aerosol, metered) with other albuterol inhalers listed in the FDA's Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) with a different equivalency evaluation code during the State of Emergency if the prescribed albuterol inhaler is not available due to a shortage. This waiver applies only to "albuterol sulfate aerosol, metered" products listed in the Orange book.
§ 338.200.1(2)	<u>Emergency Dispensing:</u> Pharmacies may dispense an emergency supply of medication to a patient if the pharmacy that originally filled the prescription is closed or unable to fill the prescription due to the State of Emergency. Pharmacists must make a good faith effort to verify the medication to be dispensed and the authorized prescriber and dosage form (e.g., as listed on the patient's prescription vial). <i>**This waiver applies to non-controlled substances only; § 338.200 does <u>not</u> apply to controlled substances.**</i>
§ 338.200.2(1)	<u>Emergency Dispensing:</u> Pharmacies/pharmacists may dispense up to a sixty (60) day supply of emergency medication pursuant to § 338.220 during the State of Emergency. For unit of use medications that exceed a 60 day supply, the smallest unit of use available in inventory may be dispensed for emergency purposes. <i>*Revised 4/15/20 to allow a 60-day supply.</i>
§ 338.220	Waiver granted to allow Missouri licensed pharmacies to use entities licensed as a pharmacy in another U.S. State or territory to assist with providing pharmacy services during the State of Emergency, provided such non-resident license is current and in good standing. <i>Note: A Class-J Shared Services permit is not required during the State of Emergency subject to the requirements identified in the Board's "Waiver of Statutes/Administrative Rules" statement issued on 3/18/20. See also Bd. Supplemental guidance (3/23/20) for additional guidelines.</i>
20 CSR 2220-2.010(1)(A)	<u>Dispensing Verified Medication:</u> Pharmacy technicians or an intern pharmacist may dispense medication to the patient when a pharmacist is not physically present in the pharmacy due to the State of Emergency if: <ol style="list-style-type: none"> 1) The medication has been previously verified by a pharmacist and approved for dispensing, 2) Dispensing is necessary for patient safety or to provide disaster or emergency relief, and 3) Dispensing without the pharmacist present is approved by a pharmacist or pharmacy in advance.
20 CSR 2220-2.010(1)(B)	<u>Remote Product Verification:</u> To prevent illness and staffing shortages, a pharmacist may use technology to remotely verify the final product as required by 20 CSR 2220-2.010 if needed to provide disaster or emergency relief if: <ol style="list-style-type: none"> 1. Physical verification by a pharmacist cannot be promptly performed by a pharmacist; 2. Prompt dispensing is in the best interest of the patient's health and safety; 3. The technology used is sufficient to allow the pharmacist to properly and accurately inspect and verify the accuracy of the

	<p>contents of the prescription or medication order and the affixed label, and</p> <p>4. If the pharmacy technician or intern pharmacist is supervised in compliance with proposed rule 20 CSR 2220-2.710 published in the Missouri Register on March 16, 2020. In lieu of the required initial competency assessment referenced in 20 CSR 2220-2.710(2)(C), pharmacy technicians and intern pharmacists must be deemed competent to perform the duties assigned by the pharmacist-in-charge.</p>
20 CSR 2220-2.200(10)(B)	<p><u>Sterile Compounding:</u> Pharmacies engaged in sterile compounding may accept Aseptic Technique Skill Assessment results (including media-fill testing) from another pharmacy for the same staff member, if needed to prevent interruptions in patient care or to ensure availability of pharmacy services during the State of Emergency. However, pharmacy technicians should be trained on pharmacy operational procedures to ensure proper aseptic technique.</p>
20 CSR 2220-2.400(12)	<p>Waiver granted to allow the distribution of compounded preparations by hospital pharmacies without a patient-specific prescription during the State of Emergency in order to: (1) treat COVID-19 patients or patients who have been relocated to other facilities due to the State of Emergency or (2) to assist other hospitals who are unable to provide the compounding services due to the State of Emergency. <i>*For purposes of the waiver, a hospital is defined as a hospital operated by the state or a hospital licensed by the Missouri Department of Health and Senior Services or the Missouri Department of Mental Health or a Class-B pharmacy licensed by the Board.</i></p>
20 CSR 2220-2.650	<p><u>Class-J Shared Services:</u> During the State of Emergency, a Missouri licensed pharmacy may provide shared pharmacy services identified in 20 CSR 2220-2.650 for another Missouri licensed pharmacy without a Class-J Shared Services permit, if the shared services are necessary to prevent interruptions in patient care as a result of pharmacy closures, limited staffing or interruptions in pharmacy operations due to COVID-19. Both pharmacies must comply with 20 CSR 2220-2.650 with the following exceptions:</p> <ol style="list-style-type: none"> 1. A common database or shared real-time access to each pharmacy's electronic medication or prescription system is not required during the State of Emergency, if such database or real-time access cannot be promptly arranged in sufficient time to meet patient care needs during the State of Emergency. Pharmacists should use their professional judgment to ensure appropriate patient care and medication dispensing. 2. Pharmacies may participate in a shared services arrangement authorized by this directive without a written contract outlining authorized shared services required by 20 CSR 2220-2.650(1)(A)1. or the policy and procedure manual required by 20 CSR 2220-2.650(1)(C)1., if such contract or policy/procedure manual cannot be timely completed to meet patient needs during the emergency. However, authorized shared services should be documented in advance in writing, including, designation of the pharmacy responsible for offering patient counseling as required by 20 CSR 2220-2.190 and federal law. 3. Pharmacies operating under the above allowances must comply with all provisions 20 CSR 2220-2.650 once the State of Emergency ends or upon Board termination of this authorization. A Class-J Shared Services permit and full compliance with the

	<p>rule will be required at the end of the State of Emergency/Board authorization.</p> <p><i>*** The above allowances only apply to pharmacies providing shared services to a Missouri licensed pharmacy to prevent interruptions in patient care as a result of pharmacy closures, limited staffing or interruptions in pharmacy operations due to COVID-19. All other pharmacies/shared services arrangements must comply with 20 CSR 2220-2.650.</i></p>
20 CSR 2220-6.055(6)	<p><u>Non-Dispensing Activities:</u> Pharmacists may use pharmacy technicians and intern pharmacists to assist a pharmacist with non-dispensing functions from an off-site non-pharmacy location during the State of Emergency. Pharmacists should use their professional judgment to ensure technicians/intern pharmacists are appropriately supervised.</p>
20 CSR 2220-2.700(1) & 20 CSR 2220-6.055(6)	<p><u>Remote Data Entry:</u> Pharmacy technicians and intern pharmacists may perform remote data entry activities from home or outside of a licensed pharmacy, if the pharmacy complies with the provisions of proposed rule 20 CSR 2220-2.725 published in the Missouri Register on March 16, 2020. In lieu of the required initial competency assessment referenced in proposed 20 CSR 2220-2.725(3)(C), pharmacy technicians and intern pharmacists may perform authorized remote data entry functions if approved and deemed competent to perform the duties assigned by the pharmacist-in-charge. <i>See also Bd. Supplemental guidance (3/23/20) for additional guidelines.</i></p>

The above waivers are intended to address the State of Emergency and should not be used for pharmacy convenience or to decrease costs. The Board will continue to monitor waiver requests and may issue further guidance as events develop. Pharmacists are vital members of the healthcare team and can play a critical role in providing patient care during the State of Emergency. Pharmacists should exercise their professional judgment to ensure safe and appropriate patient care. Questions can be addressed to the Board office at (573) 751-0091 or at MissouriBOP@pr.mo.gov. Due to the volume of phone calls at this time, e-mails are preferred.