

# SENATE BILL NO. 1242

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5797S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 334.100 and 338.055, RSMo, and to enact in lieu thereof three new sections relating to certain COVID-19 medications.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 334.100 and 338.055, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 334.100, 338.055, and 538.227, to read as  
4 follows:

334.100. 1. The board may refuse to issue or renew  
2 any certificate of registration or authority, permit or  
3 license required pursuant to this chapter for one or any  
4 combination of causes stated in subsection 2 of this  
5 section. The board shall notify the applicant in writing of  
6 the reasons for the refusal and shall advise the applicant  
7 of the applicant's right to file a complaint with the  
8 administrative hearing commission as provided by chapter  
9 621. As an alternative to a refusal to issue or renew any  
10 certificate, registration or authority, the board may, at  
11 its discretion, issue a license which is subject to  
12 probation, restriction or limitation to an applicant for  
13 licensure for any one or any combination of causes stated in  
14 subsection 2 of this section. The board's order of  
15 probation, limitation or restriction shall contain a  
16 statement of the discipline imposed, the basis therefor, the  
17 date such action shall become effective, and a statement

18 that the applicant has thirty days to request in writing a  
19 hearing before the administrative hearing commission. If  
20 the board issues a probationary, limited or restricted  
21 license to an applicant for licensure, either party may file  
22 a written petition with the administrative hearing  
23 commission within thirty days of the effective date of the  
24 probationary, limited or restricted license seeking review  
25 of the board's determination. If no written request for a  
26 hearing is received by the administrative hearing commission  
27 within the thirty-day period, the right to seek review of  
28 the board's decision shall be considered as waived.

29 2. The board may cause a complaint to be filed with  
30 the administrative hearing commission as provided by chapter  
31 621 against any holder of any certificate of registration or  
32 authority, permit or license required by this chapter or any  
33 person who has failed to renew or has surrendered the  
34 person's certificate of registration or authority, permit or  
35 license for any one or any combination of the following  
36 causes:

37 (1) Use of any controlled substance, as defined in  
38 chapter 195, or alcoholic beverage to an extent that such  
39 use impairs a person's ability to perform the work of any  
40 profession licensed or regulated by this chapter;

41 (2) The person has been finally adjudicated and found  
42 guilty, or entered a plea of guilty or nolo contendere, in a  
43 criminal prosecution under the laws of any state or of the  
44 United States, for any offense reasonably related to the  
45 qualifications, functions or duties of any profession  
46 licensed or regulated pursuant to this chapter, for any  
47 offense involving fraud, dishonesty or an act of violence,  
48 or for any offense involving moral turpitude, whether or not  
49 sentence is imposed;

50           (3) Use of fraud, deception, misrepresentation or  
51 bribery in securing any certificate of registration or  
52 authority, permit or license issued pursuant to this chapter  
53 or in obtaining permission to take any examination given or  
54 required pursuant to this chapter;

55           (4) Misconduct, fraud, misrepresentation, dishonesty,  
56 unethical conduct or unprofessional conduct in the  
57 performance of the functions or duties of any profession  
58 licensed or regulated by this chapter, including, but not  
59 limited to, the following:

60           (a) Obtaining or attempting to obtain any fee, charge,  
61 tuition or other compensation by fraud, deception or  
62 misrepresentation; willfully and continually overcharging or  
63 overtreating patients; or charging for visits to the  
64 physician's office which did not occur unless the services  
65 were contracted for in advance, or for services which were  
66 not rendered or documented in the patient's records;

67           (b) Attempting, directly or indirectly, by way of  
68 intimidation, coercion or deception, to obtain or retain a  
69 patient or discourage the use of a second opinion or  
70 consultation;

71           (c) Willfully and continually performing inappropriate  
72 or unnecessary treatment, diagnostic tests or medical or  
73 surgical services;

74           (d) Delegating professional responsibilities to a  
75 person who is not qualified by training, skill, competency,  
76 age, experience or licensure to perform such  
77 responsibilities;

78           (e) Misrepresenting that any disease, ailment or  
79 infirmity can be cured by a method, procedure, treatment,  
80 medicine or device;

81           (f) Performing or prescribing medical services which  
82 have been declared by board rule to be of no medical or  
83 osteopathic value;

84           (g) Final disciplinary action by any professional  
85 medical or osteopathic association or society or licensed  
86 hospital or medical staff of such hospital in this or any  
87 other state or territory, whether agreed to voluntarily or  
88 not, and including, but not limited to, any removal,  
89 suspension, limitation, or restriction of the person's  
90 license or staff or hospital privileges, failure to renew  
91 such privileges or license for cause, or other final  
92 disciplinary action, if the action was in any way related to  
93 unprofessional conduct, professional incompetence,  
94 malpractice or any other violation of any provision of this  
95 chapter;

96           (h) Signing a blank prescription form; or dispensing,  
97 prescribing, administering or otherwise distributing any  
98 drug, controlled substance or other treatment without  
99 sufficient examination including failing to establish a  
100 valid physician-patient relationship pursuant to section  
101 334.108, or for other than medically accepted therapeutic or  
102 experimental or investigative purposes duly authorized by a  
103 state or federal agency, or not in the course of  
104 professional practice, or not in good faith to relieve pain  
105 and suffering, or not to cure an ailment, physical infirmity  
106 or disease, except as authorized in section 334.104;

107           (i) Exercising influence within a physician-patient  
108 relationship for purposes of engaging a patient in sexual  
109 activity;

110           (j) Being listed on any state or federal sexual  
111 offender registry;

112 (k) Terminating the medical care of a patient without  
113 adequate notice or without making other arrangements for the  
114 continued care of the patient;

115 (l) Failing to furnish details of a patient's medical  
116 records to other treating physicians or hospitals upon  
117 proper request; or failing to comply with any other law  
118 relating to medical records;

119 (m) Failure of any applicant or licensee to cooperate  
120 with the board during any investigation;

121 (n) Failure to comply with any subpoena or subpoena  
122 duces tecum from the board or an order of the board;

123 (o) Failure to timely pay license renewal fees  
124 specified in this chapter;

125 (p) Violating a probation agreement, order, or other  
126 settlement agreement with this board or any other licensing  
127 agency;

128 (q) Failing to inform the board of the physician's  
129 current residence and business address;

130 (r) Advertising by an applicant or licensee which is  
131 false or misleading, or which violates any rule of the  
132 board, or which claims without substantiation the positive  
133 cure of any disease, or professional superiority to or  
134 greater skill than that possessed by any other physician.  
135 An applicant or licensee shall also be in violation of this  
136 provision if the applicant or licensee has a financial  
137 interest in any organization, corporation or association  
138 which issues or conducts such advertising;

139 (s) Any other conduct that is unethical or  
140 unprofessional involving a minor;

141 (5) Any conduct or practice which is or might be  
142 harmful or dangerous to the mental or physical health of a  
143 patient or the public; or incompetency, gross negligence or

144 repeated negligence in the performance of the functions or  
145 duties of any profession licensed or regulated by this  
146 chapter. For the purposes of this subdivision, "repeated  
147 negligence" means the failure, on more than one occasion, to  
148 use that degree of skill and learning ordinarily used under  
149 the same or similar circumstances by the member of the  
150 applicant's or licensee's profession;

151 (6) Violation of, or attempting to violate, directly  
152 or indirectly, or assisting or enabling any person to  
153 violate, any provision of this chapter or chapter 324, or of  
154 any lawful rule or regulation adopted pursuant to this  
155 chapter or chapter 324;

156 (7) Impersonation of any person holding a certificate  
157 of registration or authority, permit or license or allowing  
158 any person to use his or her certificate of registration or  
159 authority, permit, license or diploma from any school;

160 (8) Revocation, suspension, restriction, modification,  
161 limitation, reprimand, warning, censure, probation or other  
162 final disciplinary action against the holder of or applicant  
163 for a license or other right to practice any profession  
164 regulated by this chapter by another state, territory,  
165 federal agency or country, whether or not voluntarily agreed  
166 to by the licensee or applicant, including, but not limited  
167 to, the denial of licensure, surrender of the license,  
168 allowing the license to expire or lapse, or discontinuing or  
169 limiting the practice of medicine while subject to an  
170 investigation or while actually under investigation by any  
171 licensing authority, medical facility, branch of the Armed  
172 Forces of the United States of America, insurance company,  
173 court, agency of the state or federal government, or  
174 employer;

175           (9) A person is finally adjudged incapacitated or  
176 disabled by a court of competent jurisdiction;

177           (10) Assisting or enabling any person to practice or  
178 offer to practice any profession licensed or regulated by  
179 this chapter who is not registered and currently eligible to  
180 practice pursuant to this chapter; or knowingly performing  
181 any act which in any way aids, assists, procures, advises,  
182 or encourages any person to practice medicine who is not  
183 registered and currently eligible to practice pursuant to  
184 this chapter. A physician who works in accordance with  
185 standing orders or protocols or in accordance with the  
186 provisions of section 334.104 shall not be in violation of  
187 this subdivision;

188           (11) Issuance of a certificate of registration or  
189 authority, permit or license based upon a material mistake  
190 of fact;

191           (12) Failure to display a valid certificate or license  
192 if so required by this chapter or any rule promulgated  
193 pursuant to this chapter;

194           (13) Violation of the drug laws or rules and  
195 regulations of this state, including but not limited to any  
196 provision of chapter 195, any other state, or the federal  
197 government;

198           (14) Knowingly making, or causing to be made, or  
199 aiding, or abetting in the making of, a false statement in  
200 any birth, death or other certificate or document executed  
201 in connection with the practice of the person's profession;

202           (15) Knowingly making a false statement, orally or in  
203 writing to the board;

204           (16) Soliciting patronage in person or by agents or  
205 representatives, or by any other means or manner, under the  
206 person's own name or under the name of another person or

207 concern, actual or pretended, in such a manner as to  
208 confuse, deceive, or mislead the public as to the need or  
209 necessity for or appropriateness of health care services for  
210 all patients, or the qualifications of an individual person  
211 or persons to diagnose, render, or perform health care  
212 services;

213 (17) Using, or permitting the use of, the person's  
214 name under the designation of "Doctor", "Dr.", "M.D.", or  
215 "D.O.", or any similar designation with reference to the  
216 commercial exploitation of any goods, wares or merchandise;

217 (18) Knowingly making or causing to be made a false  
218 statement or misrepresentation of a material fact, with  
219 intent to defraud, for payment pursuant to the provisions of  
220 chapter 208 or chapter 630 or for payment from Title XVIII  
221 or Title XIX of the Social Security Act;

222 (19) Failure or refusal to properly guard against  
223 contagious, infectious or communicable diseases or the  
224 spread thereof; maintaining an unsanitary office or  
225 performing professional services under unsanitary  
226 conditions; or failure to report the existence of an  
227 unsanitary condition in the office of a physician or in any  
228 health care facility to the board, in writing, within thirty  
229 days after the discovery thereof;

230 (20) Any candidate for licensure or person licensed to  
231 practice as a physical therapist, paying or offering to pay  
232 a referral fee or, notwithstanding section 334.010 to the  
233 contrary, practicing or offering to practice professional  
234 physical therapy independent of the prescription and  
235 direction of a person licensed and registered as a physician  
236 and surgeon pursuant to this chapter, as a dentist pursuant  
237 to chapter 332, as a podiatrist pursuant to chapter 330, as  
238 an advanced practice registered nurse under chapter 335, or



239 any licensed and registered physician, dentist, podiatrist,  
240 or advanced practice registered nurse practicing in another  
241 jurisdiction, whose license is in good standing;

242 (21) Any candidate for licensure or person licensed to  
243 practice as a physical therapist, treating or attempting to  
244 treat ailments or other health conditions of human beings  
245 other than by professional physical therapy and as  
246 authorized by sections 334.500 to 334.620;

247 (22) Any person licensed to practice as a physician or  
248 surgeon, requiring, as a condition of the physician-patient  
249 relationship, that the patient receive prescribed drugs,  
250 devices or other professional services directly from  
251 facilities of that physician's office or other entities  
252 under that physician's ownership or control. A physician  
253 shall provide the patient with a prescription which may be  
254 taken to the facility selected by the patient and a  
255 physician knowingly failing to disclose to a patient on a  
256 form approved by the advisory commission for professional  
257 physical therapists as established by section 334.625 which  
258 is dated and signed by a patient or guardian acknowledging  
259 that the patient or guardian has read and understands that  
260 the physician has a pecuniary interest in a physical therapy  
261 or rehabilitation service providing prescribed treatment and  
262 that the prescribed treatment is available on a competitive  
263 basis. This subdivision shall not apply to a referral by  
264 one physician to another physician within a group of  
265 physicians practicing together;

266 (23) A pattern of personal use or consumption of any  
267 controlled substance unless it is prescribed, dispensed or  
268 administered by another physician who is authorized by law  
269 to do so;

270 (24) Habitual intoxication or dependence on alcohol,  
271 evidence of which may include more than one alcohol-related  
272 enforcement contact as defined by section 302.525;

273 (25) Failure to comply with a treatment program or an  
274 aftercare program entered into as part of a board order,  
275 settlement agreement or licensee's professional health  
276 program;

277 (26) Revocation, suspension, limitation, probation, or  
278 restriction of any kind whatsoever of any controlled  
279 substance authority, whether agreed to voluntarily or not,  
280 or voluntary termination of a controlled substance authority  
281 while under investigation;

282 (27) For a physician to operate, conduct, manage, or  
283 establish an abortion facility, or for a physician to  
284 perform an abortion in an abortion facility, if such  
285 facility comes under the definition of an ambulatory  
286 surgical center pursuant to sections 197.200 to 197.240, and  
287 such facility has failed to obtain or renew a license as an  
288 ambulatory surgical center.

289 3. Collaborative practice arrangements, protocols and  
290 standing orders shall be in writing and signed and dated by  
291 a physician prior to their implementation.

292 4. After the filing of such complaint before the  
293 administrative hearing commission, the proceedings shall be  
294 conducted in accordance with the provisions of chapter 621.  
295 Upon a finding by the administrative hearing commission that  
296 the grounds, provided in subsection 2 of this section, for  
297 disciplinary action are met, the board may, singly or in  
298 combination, warn, censure or place the person named in the  
299 complaint on probation on such terms and conditions as the  
300 board deems appropriate for a period not to exceed ten  
301 years, or may suspend the person's license, certificate or

302 permit for a period not to exceed three years, or restrict  
303 or limit the person's license, certificate or permit for an  
304 indefinite period of time, or revoke the person's license,  
305 certificate, or permit, or administer a public or private  
306 reprimand, or deny the person's application for a license,  
307 or permanently withhold issuance of a license or require the  
308 person to submit to the care, counseling or treatment of  
309 physicians designated by the board at the expense of the  
310 individual to be examined, or require the person to attend  
311 such continuing educational courses and pass such  
312 examinations as the board may direct.

313         5. In any order of revocation, the board may provide  
314 that the person may not apply for reinstatement of the  
315 person's license for a period of time ranging from two to  
316 seven years following the date of the order of revocation.  
317 All stay orders shall toll this time period.

318         6. Before restoring to good standing a license,  
319 certificate or permit issued pursuant to this chapter which  
320 has been in a revoked, suspended or inactive state for any  
321 cause for more than two years, the board may require the  
322 applicant to attend such continuing medical education  
323 courses and pass such examinations as the board may direct.

324         7. In any investigation, hearing or other proceeding  
325 to determine a licensee's or applicant's fitness to  
326 practice, any record relating to any patient of the licensee  
327 or applicant shall be discoverable by the board and  
328 admissible into evidence, regardless of any statutory or  
329 common law privilege which such licensee, applicant, record  
330 custodian or patient might otherwise invoke. In addition,  
331 no such licensee, applicant, or record custodian may  
332 withhold records or testimony bearing upon a licensee's or  
333 applicant's fitness to practice on the ground of privilege

334 between such licensee, applicant or record custodian and a  
335 patient.

336 **8. The act of dispensing, prescribing, administering,**  
337 **or otherwise distributing ivermectin tablets or**  
338 **hydroxychloroquine sulfate tablets for human use for**  
339 **prophylaxis or treatment of COVID-19 shall not be grounds**  
340 **for denial, suspension, revocation, or other disciplinary**  
341 **action by the board.**

338.055. 1. The board may refuse to issue any  
2 certificate of registration or authority, permit or license  
3 required pursuant to this chapter for one or any combination  
4 of causes stated in subsection 2 of this section or if the  
5 designated pharmacist-in-charge, manager-in-charge, or any  
6 officer, owner, manager, or controlling shareholder of the  
7 applicant has committed any act or practice in subsection 2  
8 of this section. The board shall notify the applicant in  
9 writing of the reasons for the refusal and shall advise the  
10 applicant of his or her right to file a complaint with the  
11 administrative hearing commission as provided by chapter 621.

12 2. The board may cause a complaint to be filed with  
13 the administrative hearing commission as provided by chapter  
14 621 against any holder of any certificate of registration or  
15 authority, permit or license required by this chapter or any  
16 person who has failed to renew or has surrendered his or her  
17 certificate of registration or authority, permit or license  
18 for any one or any combination of the following causes:

19 (1) Use of any controlled substance, as defined in  
20 chapter 195, or alcoholic beverage to an extent that such  
21 use impairs a person's ability to perform the work of any  
22 profession licensed or regulated by this chapter;

23 (2) The person has been finally adjudicated and found  
24 guilty, or entered a plea of guilty or nolo contendere, in a

25 criminal prosecution under the laws of any state or of the  
26 United States, for any offense reasonably related to the  
27 qualifications, functions or duties of any profession  
28 licensed or regulated under this chapter, for any offense an  
29 essential element of which is fraud, dishonesty or an act of  
30 violence, or for any offense involving moral turpitude,  
31 whether or not sentence is imposed;

32 (3) Use of fraud, deception, misrepresentation or  
33 bribery in securing any certificate of registration or  
34 authority, permit or license issued pursuant to this chapter  
35 or in obtaining permission to take any examination given or  
36 required pursuant to this chapter;

37 (4) Obtaining or attempting to obtain any fee, charge,  
38 tuition or other compensation by fraud, deception or  
39 misrepresentation;

40 (5) Incompetence, misconduct, gross negligence, fraud,  
41 misrepresentation or dishonesty in the performance of the  
42 functions or duties of any profession licensed or regulated  
43 by this chapter;

44 (6) Violation of, or assisting or enabling any person  
45 to violate, any provision of this chapter, or of any lawful  
46 rule or regulation adopted pursuant to this chapter;

47 (7) Impersonation of any person holding a certificate  
48 of registration or authority, permit or license or allowing  
49 any person to use his or her certificate of registration or  
50 authority, permit, license, or diploma from any school;

51 (8) Denial of licensure to an applicant or  
52 disciplinary action against an applicant or the holder of a  
53 license or other right to practice any profession regulated  
54 by this chapter granted by another state, territory, federal  
55 agency, or country whether or not voluntarily agreed to by  
56 the licensee or applicant, including, but not limited to,

57 surrender of the license upon grounds for which denial or  
58 discipline is authorized in this state;

59 (9) A person is finally adjudged incapacitated by a  
60 court of competent jurisdiction;

61 (10) Assisting or enabling any person to practice or  
62 offer to practice any profession licensed or regulated by  
63 this chapter who is not registered and currently eligible to  
64 practice under this chapter;

65 (11) Issuance of a certificate of registration or  
66 authority, permit or license based upon a material mistake  
67 of fact;

68 (12) Failure to display a valid certificate or license  
69 if so required by this chapter or any rule promulgated  
70 hereunder;

71 (13) Violation of any professional trust or confidence;

72 (14) Use of any advertisement or solicitation which is  
73 false, misleading or deceptive to the general public or  
74 persons to whom the advertisement or solicitation is  
75 primarily directed;

76 (15) Violation of the drug laws or rules and  
77 regulations of this state, any other state or the federal  
78 government;

79 (16) The intentional act of substituting or otherwise  
80 changing the content, formula or brand of any drug  
81 prescribed by written, electronic, or oral prescription  
82 without prior written or oral approval from the prescriber  
83 for the respective change in each prescription; provided,  
84 however, that nothing contained herein shall prohibit a  
85 pharmacist from substituting or changing the brand of any  
86 drug as provided under section 338.056, and any such  
87 substituting or changing of the brand of any drug as  
88 provided for in section 338.056 shall not be deemed

89 unprofessional or dishonorable conduct unless a violation of  
90 section 338.056 occurs;

91 (17) Personal use or consumption of any controlled  
92 substance unless it is prescribed, dispensed, or  
93 administered by a health care provider who is authorized by  
94 law to do so.

95 3. After the filing of such complaint, the proceedings  
96 shall be conducted in accordance with the provisions of  
97 chapter 621. Upon a finding by the administrative hearing  
98 commission that the grounds, provided in subsection 2 of  
99 this section, for disciplinary action are met, the board  
100 may, singly or in combination, censure or place the person  
101 named in the complaint on probation on such terms and  
102 conditions as the board deems appropriate for a period not  
103 to exceed five years, or may suspend, for a period not to  
104 exceed three years, or revoke the license, certificate, or  
105 permit. The board may impose additional discipline on a  
106 licensee, registrant, or permittee found to have violated  
107 any disciplinary terms previously imposed under this section  
108 or by agreement. The additional discipline may include,  
109 singly or in combination, censure, placing the licensee,  
110 registrant, or permittee named in the complaint on  
111 additional probation on such terms and conditions as the  
112 board deems appropriate, which additional probation shall  
113 not exceed five years, or suspension for a period not to  
114 exceed three years, or revocation of the license,  
115 certificate, or permit.

116 4. If the board concludes that a licensee or  
117 registrant has committed an act or is engaging in a course  
118 of conduct which would be grounds for disciplinary action  
119 which constitutes a clear and present danger to the public  
120 health and safety, the board may file a complaint before the

121 administrative hearing commission requesting an expedited  
122 hearing and specifying the activities which give rise to the  
123 danger and the nature of the proposed restriction or  
124 suspension of the licensee's or registrant's license.  
125 Within fifteen days after service of the complaint on the  
126 licensee or registrant, the administrative hearing  
127 commission shall conduct a preliminary hearing to determine  
128 whether the alleged activities of the licensee or registrant  
129 appear to constitute a clear and present danger to the  
130 public health and safety which justify that the licensee's  
131 or registrant's license or registration be immediately  
132 restricted or suspended. The burden of proving that the  
133 actions of a licensee or registrant constitute a clear and  
134 present danger to the public health and safety shall be upon  
135 the state board of pharmacy. The administrative hearing  
136 commission shall issue its decision immediately after the  
137 hearing and shall either grant to the board the authority to  
138 suspend or restrict the license or dismiss the action.

139         5. If the administrative hearing commission grants  
140 temporary authority to the board to restrict or suspend the  
141 licensee's or registrant's license, such temporary authority  
142 of the board shall become final authority if there is no  
143 request by the licensee or registrant for a full hearing  
144 within thirty days of the preliminary hearing. The  
145 administrative hearing commission shall, if requested by the  
146 licensee or registrant named in the complaint, set a date to  
147 hold a full hearing under the provisions of chapter 621  
148 regarding the activities alleged in the initial complaint  
149 filed by the board.

150         6. If the administrative hearing commission dismisses  
151 the action filed by the board pursuant to subsection 4 of



152 this section, such dismissal shall not bar the board from  
153 initiating a subsequent action on the same grounds.

154 7. The board shall not deny, revoke, or suspend, or  
155 otherwise take any disciplinary action against, a  
156 certificate of registration or authority, permit, or license  
157 required by this chapter for any person who dispenses,  
158 distributes, or sells ivermectin tablets or  
159 hydroxychloroquine sulfate tablets for human use for  
160 prophylaxis or treatment of COVID-19.

538.227. 1. Any physician licensed under chapter 334  
2 or pharmacist licensed under chapter 338 who prescribes,  
3 dispenses, administers, sells, or otherwise distributes  
4 ivermectin tablets or hydroxychloroquine sulfate tablets for  
5 human use for prophylaxis or treatment of COVID-19 shall not  
6 be liable for any civil damages for acts or omissions unless  
7 the damages were occasioned by gross negligence or by  
8 willful or wanton acts or omissions by such physician or  
9 pharmacist; provided, that the physician or pharmacist  
10 exercised independent medical judgment and acted with the  
11 belief that the prescription, dispensation, administration,  
12 sale, or distribution of such medication was in the best  
13 interest of the patient and the patient provides written,  
14 informed consent.

15 2. As used in this section, "written, informed  
16 consent" shall mean a written document signed by the  
17 patient, the patient's legal guardian, or the patient's  
18 attorney-in-fact designated in a durable power of attorney  
19 for health care, or if the patient is a minor, the patient's  
20 parent or legal guardian, and that, at a minimum, includes  
21 the following:

22 (1) An explanation of the currently approved products  
23 and treatments for COVID-19;

24           (2) Clear identification of the specific proposed  
25 medication the patient is seeking to use;

26           (3) A description of the potentially best and worst  
27 outcomes of using the medication and a realistic description  
28 of the most likely outcome; and

29           (4) A release of liability relative to the treating  
30 physician or pharmacist.

✓