



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Pharmacy Quality Assurance Commission

- Preproposal Statement of Inquiry was filed as WSR 16-09-099 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-873-060 Emergency outpatient medications. The Pharmacy Quality Assurance Commission is proposing rule language that would amend WAC 246-873-060 to align with RCW 70.41.480 to prescribe prepackaged emergency medications.

**Hearing location(s):** Highline Community College  
Mt. Constance  
2400 S. 240 St.  
Des Moines WA 98198

Date: November 10, 2016

Time: 9:00 AM

**Submit written comments to:**

Name: Doreen Beebe  
Address: Pharmacy Quality Assurance Commission  
PO Box 47852  
Olympia WA 98504  
e-mail: <https://fortress.wa.gov/doh/policyreview>  
fax 360-236-2260 by (date) 10/31/2016

**Assistance for persons with disabilities:** Contact

Doreen Beebe by 11/03/2016

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 11/10/2016

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

RCW 70.41.480 enacted in 2015, created an inconsistency with WAC 246-873-060. The rule will be amended to align and implement the statute. The current rule limits the distribution of controlled substances to ten rural hospitals.

**Reasons supporting proposal:**

Amending the rule will improve public health by removing barriers and facilitating patient's access to appropriate medication therapy when pharmacy services are not available. In addition, amending the existing language will provide clarity and be more reflective of current practices of distributing medications within the emergency department setting.

**Statutory authority for adoption:**

RCW 18.64.005

**Statute being implemented:**

RCW 70.41.480

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

**DATE** 10/3/2016

**NAME** (type or print)

Tim Lynch, PharmD, MS

**SIGNATURE**

**TITLE**

Chair

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: October 03, 2016**

**TIME: 4:48 PM**

**WSR 16-20-074**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Pharmacy Quality Assurance Commission

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Brett Lorentson	111 Israel Rd SE, Tumwater, WA 98504-7852	360-236-4611
Implementation.... Doreen Beebe	111 Israel Rd SE, Tumwater, WA 98504-7852	360-236-4834
Enforcement..... Doreen Beebe	111 Israel Rd SE, Tumwater, WA 98504-7852	360-236-4834

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Doreen Beebe

Address: 111 Israel Rd SE,  
Tumwater, WA 98504-7852

phone 360-236-4834

fax 360-236-2260

e-mail [Doreen.Beebe@doh.wa.gov](mailto:Doreen.Beebe@doh.wa.gov)

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW

34.05.328(5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes or clarify the language of a rule without changing its effect; and the content which is explicitly and specifically dictated by statute.

**WAC 246-873-060 Provision of emergency ((outpatient)) department discharge medications when pharmacy services are unavailable.** The ~~((director of pharmacy))~~ responsible manager, as defined in WAC 246-869-070, of a hospital or free standing emergency department shall, in ((concert)) collaboration with the appropriate medical staff committee of the hospital ((medical staff)), develop policies and procedures in compliance with RCW 70.41.480, which ((shall)) must be implemented((,)) to provide ((emergency pharmaceuticals to outpatients)) discharge medications to patients released from hospital emergency departments during hours when ((normal)) community or outpatient hospital pharmacy services are not available. The delivery of a single dose for immediate administration to the patient ((shall not be)) is not subject to this regulation. Such policies shall allow the ((designated)) practitioner or registered ((nurse(s) to deliver)) nurse to distribute medications ((other than controlled substances)), pursuant to the policies and procedures ((which shall require that)), as specified in RCW 70.41.480 and the following:

(1) An order of a practitioner authorized to prescribe a drug is presented. Oral or electronically transmitted orders must be verified by the ~~((prescriber))~~ practitioner in writing within ~~((72))~~ seventy-two hours.

(2) ~~((The))~~ A department credentialed pharmacy technician or a licensed pharmacist shall prepackage the medication. Medication ((is)) prepackaged by a ((pharmacist and has a label)) department credentialed pharmacy technician must be checked by a licensed pharmacist. The prepackaged medication must contain any supplemental material provided and an affixed label that contains:

(a) Name, address, and telephone number of the hospital.

(b) The name of the drug (as required by chapter 246-899 WAC), strength and number of units.

(c) Cautionary information as required for patient safety and information on use is provided.

(d) An expiration date after which the patient should not use the medication.

(e) Directions for use.

(3) No more than a ~~((24-hour))~~ forty-eight hour supply is provided to the patient except when the pharmacist has informed appropriate hospital personnel that normal services will not be available within ~~((24))~~ forty-eight hours. A final quantity of medication supply shall not exceed ninety-six hours.

(4) The ~~((container is labeled by the designated))~~ practitioner or registered ((nurse(s))) nurse will ensure the container is labeled before presenting to the patient and shows the following:

(a) Name of patient;

(b) ~~((Directions for use by the patient;))~~ Complete directions for use, which should include at a minimum the number of units distributed, frequency, and route of administration;

(c) Date of distribution;

(d) Identifying number (i.e., RX number or similar indicator);

(e) Name of prescribing practitioner;

(f) Initials of the practitioner or registered nurse((;)) who distributed the medication.

(5) A registered nurse or practitioner will distribute prepackaged emergency medications to patients only after a practitioner has counseled the patient on the medication.

(6) The original ((or a direct copy of the)) hard copy or electronically transmitted order by the ((prescriber)) practitioner is retained for verification by the pharmacist after completion by the ((designated)) practitioner or registered ((nurse(s))) nurse and shall ((bear)) contain:

(a) Name and address of patient if not already listed in the medical record;

(b) Date of issuance;

(c) Units issued;

(d) Initials of ((designated)) practitioner or registered nurse.

~~((6))~~ (7) The medications ((to be delivered as emergency pharmaceuticals shall be kept in a secure place)) distributed as discharge medications must be stored in compliance with the laws concerning security and access. They must be stored in or near the emergency ((room)) department in such a manner as to preclude the necessity for entry into the pharmacy when pharmacy services are not available.

~~((7))~~ The procedures outlined in this rule may not be used for controlled substances except at the following rural hospitals which met all three of the rural access project criteria on May 17, 1989:

	<u>Hospital</u>	<u>City</u>
1.	Lake Chelan Community Hospital	Chelan
2.	St. Joseph's Hospital	Chewelah
3.	Whitman Community Hospital	Colfax
4.	Lincoln Hospital	Davenport
5.	Dayton General Hospital	Dayton
6.	Ocean Beach Hospital	Hwaco
7.	Newport Community Hospital	Newport
8.	Jefferson General Hospital	Port Townsend
9.	Ritzville Memorial Hospital	Ritzville
10.	Willapa Harbor Hospital	South Bend))