



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

WASHINGTON STATE BOARD OF PHARMACY

Special Meeting Agenda

April 16, 2013

Washington State Department of Health

Town Center Two – Room 145

111 Israel Rd SE

Tumwater WA 98501

Chair Chris Barry called the meeting to order at 9:00 a.m. on April 16, 2013. Board members present by telephone:

Board members

By telephone:

Donna Feild, R.Ph., MBA, Vice-Chair

Elizabeth Jensen, Pharm.D.

Emma Zavala-Suarez, J.D., Public
Member

In Tumwater:

Dan Rubin, MPP, Public Member

Staff/Presenters in Tumwater

Gerald Steel, PE – Attorney for the Petitioners

Joyce Roper, Assistant Attorney General

Chris Humberson, Executive Director

Doreen Beebe, Program Manager

Cathy Williams, Pharmacists Consultant

Leann George, Secretary Senior

Open Session – Business Meeting

April 16, 2013 9:00 a.m.

The Board was convened to consider a petition for rule making filed by the King County Citizens Against Fluoridation and Washington Action for Safe Water to amend:

- (a) WAC 246-883-020(2) by changing the reference of “legend drugs” to “prescription drugs,” because the federal law refers to “prescription drugs”, not “legend drugs”;
- (b) WAC 246-883-020 by adding the phrase, “are restricted to use by practitioners only,” because the federal rules include over-the-counter (OTC) drugs, which are restricted to use by practitioners only and those drugs should be “legend” or “prescription” drugs under Washington’s legend drug act, chapter 69.41 RCW;
- (c) WAC 246- 883-020 by incorporating a reference to WAC 246-879-010(9) because the latter rule, which is contained in the pharmaceutical wholesaler rules, includes a reference to “prescription drugs,” consistent with the FDA’s rules, rather than referring to “legend drugs”;
- and
- (d) WAC 246-883-020 by changing the conjunction “and” to “or” on the premise that the reference to “legend drugs” would be changed to “prescription drugs” as requested in (a) above, then the term “or” would reflect that the public would then have notice that the Red Book referenced in the rule are legend drugs under chapter 69.41 RCW.

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Mr. Gerald Steel PE, attorney for the petitioners, presented materials in support of rule making and arguments in opposition of the *Petition Summary*, written by Joyce Roper, and provided to the board and Mr. Steel in advance of the meeting. Ms. Roper responded to the issues brought forward in Mr. Steel's presentation, which was followed by a period of questions and answers by the members.

ACTION: Dan Rubin moved that the board deny the petition on the basis that there is no distinction between the term "legend drugs" or "prescription drugs" under the state and federal drug laws. Donna Feild seconded the motion. **MOTION CARRIED. Vote: 5-0.**

The board also clarified that it considers the drugs "restricted to practitioners only" to be addressed in current rules, which incorporates the federal Food and Drug Administration rules for drugs requiring a prescription and the *Red Book* addressing drugs restricted to practitioners only.

The Board informed advised Mr. Steel that it is currently in the process of reviewing and updating all of the Board's rules, which will include a review of WAC 246-883-020. The process for reviewing and updating the rules will occur over the next several years. Although we cannot predict at this time when chapter 246-883 WAC will be review, the board welcomes public comments during the review process.

There being no further business, the board adjourned at 9:46 a.m. The Board of Pharmacy will meet again on May 30, 2013 for its regularly scheduled business meeting in Tumwater, Washington

Respectfully Submitted by:

*Doreen E. Beebe, Program Manager
Approved on May 30, 2013*



*Chris Barry, Chair
Washington State Board of Pharmacy*

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