



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: November 19, 2019

TIME: 9:23 AM

WSR 19-23-078

Agency: Department of Health- Pharmacy Quality Assurance Commission

Title of rule and other identifying information: (describe subject) WAC 246-901-140 Pharmacy services plan. Repealing the rule that establishes the process to seek an exception to the standard pharmacist to pharmacy technician ratio by developing and presenting a pharmacy services plan for approval by the Pharmacy Quality Assurance Commission.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Pharmacy Quality Assurance Commission (commission) is proposing to repeal the rule because the circumstances have changed and the rule is no longer needed. The rule is no longer necessary due to the adoption of rule amendments to WAC 246-901-130 Pharmacist to Pharmacy Technician Ratio filed under WSR 19-17-034 on August 14, 2019.

Reasons supporting proposal: The commission amended WAC 246-901-130, filed under WSR 19-17-034 on August 14, 2019. The amended rule eliminated the 3:1 standard ratio and placed the duty on the responsible pharmacy manager to set the staffing levels and ensure satisfactory supervision of staff technicians. The proposal to repeal of WAC 246-901-140, which set the process for seeking an exception to the 3:1 ratio, is appropriate and supported by the amended rule.

Statutory authority for adoption: RCW 18.64A.030, RCW 18.64.005

Statute being implemented: RCW 18.64A.030

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

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

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Manager	Doreen Beebe, Program	111 Israel Rd SE, Tumwater WA 98501	(360) 236-4834
Implementation: Director	Tracy West, JD, Deputy	111 Israel Rd SE, Tumwater WA 98501	(360) 236-4988
Enforcement: Director	Tracy West, JD, Deputy	111 Israel Rd SE, Tumwater WA 98501	(360) 236-4988

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The need for a rule to define the process for submitting a service plan is no longer needed with the amendment of WAC 246-901-130 which eliminated the standard pharmacist to technician ratio.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Agency: Department of Health

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Other:

AND RECEIVED BY (date) 01/21/2020

Date: November 19, 2019

Name: Tim Lynch, PharmD, MS

Title: Chair, Pharmacy Quality Assurance Commission

Signature:



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-901-140 Pharmacy services plan.