Agency: Department of Health- Pharmacy Quality Assurance Commission

Original Notice

Preproposal Statement of Inquiry was filed as WSR WSR 17-13-097; or

Proposed notice was filed as WSR

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of rule and other identifying information: (describe subject) WAC 246-901-130 Pharmacist to pharmacy technician ratio. The Pharmacy Quality Assurance Commission (commission) is proposing to amend the rule to eliminate a standardized pharmacist to pharmacy technician ratio in all practice settings. The proposed rules authorize the pharmacist to set the ratios based on their practice needs and ability to provide appropriate supervision.

Hearing location(s):

Date: Time: Location: (be specific) Comment:

4/26/19 1:15 PM Department of Health Room 152/153 Point Plaza East 310 Israel Road SE Tumwater WA 98501

Date of intended adoption: 04/26/2019 (Note: This is NOT the effective date)

Submit written comments to:

Name: Doreen Beebe
Address: Department of Health Pharmacy Quality Assurance Commission P.O. Box 47852 Olympia WA 98504-7852

Email: https://fortress.wa.gov/doh/policyreview Fax: (360) 236-2260 Other: By (date) 04/19/2019

Assistance for persons with disabilities:

Contact Doreen Beebe Phone: (360) 236-4834 Fax: (360) 236-2260 TTY: (360) 833-6388 or 711 Email: doreen.beebe@doh.wa.gov Other: By (date) 04/19/2019
Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule would permit the responsible pharmacist manager to use their professional judgement to determine the number of pharmacy technicians he or she can adequately supervise. This would potentially allow the pharmacist to perform more professional and clinical services and may lead to a reduction in healthcare costs and improved health outcomes through patient education and medication compliance. The proposed rule removes the standard ratio of one (1) pharmacist to three (3) pharmacy technicians, eliminating the need for pharmacies to submit requests for exception to be considered by the commission.

Reasons supporting proposal: The proposed rule is necessary to accommodate changes in the practice of pharmacy. Many pharmacies offer patients more than simply dispensing prescriptions; these services include specialized therapeutic review, medication therapy management, and patient adherence and persistence programs, among others. Pharmacy technology has also advanced with automation, Interactive Voice Response (IVR) systems, electronic processing/filling, and alternative counseling solutions, eliminating the need for some specific services to be performed by pharmacists or pharmacy technicians. The proposed rules would eliminate an outdated pharmacist to technician ratio to allow pharmacists the flexibility to maximize their resources to meet diverse patient needs.

Statutory authority for adoption: RCW 18.64A.040, RCW 18.64.005

Statute being implemented: RCW 18.64A.040

Is rule necessary because of a:
- Federal Law? □ Yes ☑ No
- Federal Court Decision? □ Yes ☑ No
- State Court Decision? □ Yes ☑ No
If yes, CITATION:

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

Name of proponent: (person or organization) Department of Health - Pharmacy Quality Assurance Commission
☑ Private ☑ Public ☑ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting: Manager</td>
<td>Doreen Beebe, Program Manager</td>
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<td>Implementation: Director</td>
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<td>Enforcement: Director</td>
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<td>(360) 236-4853</td>
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Is a school district fiscal impact statement required under RCW 28A.305.135? ☑ Yes □ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
- Name: 
- Address: 
- Phone: 
- Fax: 
- TTY: 
- Email: 
- Other: 

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
☐ No: Please explain:
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)  ☐ RCW 34.05.310 (4)(e)
(Internal government operations) (Dictated by statute)
☐ RCW 34.05.310 (4)(c)  ☐ RCW 34.05.310 (4)(f)
(Incorporation by reference) (Set or adjust fees)
☐ RCW 34.05.310 (4)(d)  ☐ RCW 34.05.310 (4)(g)
(Correct or clarify language) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

________________________________________________________________________

COMPLETED THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No  Briefly summarize the agency’s analysis showing how costs were calculated. The proposed rule does not mandate a change in the operation or staffing of a pharmacy. The proposed rule is permissive and provides flexibility for pharmacies in meeting patients and operational needs.

☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 1/28/2019

Name: Tim Lynch, PharmD, MS

Title: Chair, Pharmacy Quality Assurance Commission

Signature:
WAC 246-901-130 Pharmacist to pharmacy technician ratio. (1) A standard ratio of one pharmacist to a maximum of three technicians is established for each licensed pharmacy.

(2) The pharmacist must be actively practicing pharmacy.

(3) In determining which pharmacists may be included in the calculation of the ratio, the board will consider approval of pharmacy technician utilization plans which include all pharmacists within the pharmacy who are engaged in the actual practice of pharmacy. When the pharmacy provides service to inpatients of a hospital or extended care facility, pharmacists who are practicing pharmacy outside of the confines of the licensed pharmacy (for example, performing nursing unit inspections, reviewing charts, consulting with health professional staff) may be included in the ratio, if:

(a) There are sufficient numbers of pharmacists within the pharmacy to properly supervise the work of the pharmacy technicians;

(b) The pharmacy is not open to the public;

(c) The medications are being checked by another health professional before being given to the patient;

(d) Drug orders are not dispensed from the pharmacy without being checked by a licensed pharmacist or pharmacy intern except for board-approved pharmacy technician specialized functions provided a pharmacy technician may check unit-dose medication cassettes.) (1) The ratio of pharmacy technicians to pharmacist(s) on duty is to be determined by the responsible pharmacy manager.

(2) The responsible pharmacy manager will ensure that the number of pharmacy technicians on duty can be satisfactorily supervised by the pharmacist(s) on duty.