Commission SBAR Communication

Agenda Item/Title: Minor Rule Modification to Department of Fish and Wildlife Inventory Requirements

Date SBAR Communication Prepared:

Reviewer: Caitlin Gates, Rules and Legislative Consultant

Link to Action Plan:

- Action
- Information
- Follow-up
- Report only

Situation:

Department of Fish and Wildlife Officer (WDFW) Dan Rahn contacted staff to discuss the challenge of complying with the proposed new rule to have their officers perform an inventory and the beginning and end of each shift, a message detailing this is attached. After discussion staff is recommending updating that language to instead require an inventory be performed on either a weekly or monthly basis.

Background:

At the October 24th Commission meeting discussion was had regarding the comments received from the WDFW in regards to the rule rewrite project. The Commission accepted many of the comments and recommended changes. However, they did not change the requirement that an inventory be performed at the beginning and end of each shift.

After the Commission meeting staff received a phone call from Officer Rahn, we discussed what a daily shift looks like for WDFW officers and why the daily inventory would be a challenge. Officer Rahn stated that officers are issued their vehicles and they remain with them at all times, they do not check vehicles out or share them with other officers. He also stated that often times an officer’s shift may start unexpectedly due to an emergency, for example a lose predator in a neighborhood, and having to perform an inventory prior to responding to that call would delay their response time. Shifts may also end late in the evening and there is concern that an inventory check could be missed due to exhaustion. WDFW officers do not want to be out of compliance and with this new proposed rule they discussed no longer carrying drugs with them, which could also impede access to necessary drugs in the case of an emergency.

Assessment:

After discussing the concerns and challenges with the new proposed rules and recognizing that this is a big change from an annual inventory to a twice daily inventory, staff drafted two revised proposed rules options. One changes the inventory at the beginning and end of the shift to a weekly inventory, the other changes it to a monthly inventory.

The suggested language has also been shared with WDFW, and they would prefer a monthly inventory as it would coincide with several other reports that officers are responsible for.
Recommendation:

Staff recommends that the Commission:

- Accept the monthly inventory requirement for WDFW officers, or
- Accept the weekly inventory requirement for WDFW officers

Follow-up Action:

- Document the Commission’s comments and/or any other suggestions made by the Commission at this meeting.
- Make necessary changes to rule language and accompanying documents
November 27, 2019

Caitlin Lopez Gates  
Rules and Legislative Consultant  
Pharmacy Quality Assurance Commission  
Washington State Department of Health  
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360-236-2932

Dear Ms. Gates:

This letter is a follow-up to our discussion on November 20, 2019, in regard to the Washington Department of Fish and Wildlife (WDFW) Officers requirement in the proposed WAC to complete and record in a log book a drug inventory at the beginning and end of each shift.

WDFW currently has a policy that requires an annual physical inventory/inspection of all immobilization drugs assigned to each employee. WDFW also has a policy to reconcile and investigate any discrepancies. Supervisors may also conduct an inspection of inventory and drug logs at any time during the year. Immobilization drugs are locked in a metal box and secured inside the officers patrol vehicle which is locked as well. Vehicles are assigned to an individual officer who has sole access, and the vehicle is not shared with anyone else. In many cases the officer's vehicle is their “office” that they work out of on a regular basis. In many cases WDFW Officers are well over an hour away from a field office.

Fish and Wildlife Officers are fully commissioned police officers with statewide general authority. The officers do not have a set schedule and often work odd and unusual hours during a shift. They also respond to emergent issues (public safety - including dangerous wildlife and search and rescue, poaching in progress, etc.) even on scheduled days off.

The concern is that officers will not be able to realistically comply with a rule that requires them to complete a drug inventory at the beginning and end of every shift. This will not be on the forefront of officers minds when responding to an emergent issue or returning home late and will likely create unintentional policy violations.

If the immobilization drugs are all stored at a District Office, only the District Drug Coordinator will have access to the safe, which is problematic. Drug Coordinators usually work Monday-Friday 8-5. If the Drug Coordinator is on leave, out of the area for meetings, training, etc., then
no one would have access to the safe and the immobilization drugs. This creates a public safety issue when officers do not have the tools to immobilize wildlife, but the wildlife must be removed. Officers will then need to decide if they can safely shoot and kill the animal in a populated area, while taking into account the welfare of the public and wildlife, which could place them in a very difficult situation.

WDFW Officers have been carrying immobilization drugs in their vehicles for years and are expected to be fully accountable for the administration, storage, record keeping, and inventory with strict adherence to our policies and procedures. This has allowed officers to have a timely and professional response to public safety issues.

I respectively request that the Pharmacy Commission take these concerns into consideration and remove the daily requirement of immobilization drug inventory inspections for Fish and Wildlife Officers.

Sincerely,

Daniel Rahn, Captain
Enforcement Program
daniel.rahn@dfw.wa.gov
509-991-3071
WAC 246-945-515 Human societies, animal control agencies, and department of fish and wildlife chemical capture programs—

Drug storage and field use. (1) Each registered humane society, animal control agency, and department of fish and wildlife chemical capture program location must store all approved legend drugs, and approved controlled substances in a substantially constructed securely locked cabinet or drawer.

(2) Only authorized personnel as defined in WAC 246-945-503 (2) and (3) shall have access to the drug storage cabinet or drawer at the registered location.

(3) A registered humane society and animal control agency may allow the possession of approved drugs for field use under the following conditions:

(a) The individual meets the requirements of an authorized person in WAC 246-945-503(2);

(b) The individual is either:

(i) A humane officer;

(ii) An animal control enforcement officer;

(iii) An animal control authority; or
(iv) A peace officer authorized by the chief of police, sheriff, or county commissioner.

(c) The approved drugs are stored in a locked metal box securely attached to a vehicle;

(d) A drug inventory is completed at the beginning and end of each shift, and recorded in a logbook or electronic record that meets the requirements of WAC 246-945-510; and

(e) All receipts and use of approved drugs are recorded in a logbook or electronic record that meets the requirements of WAC 246-945-510.

(4) A registered department of fish and wildlife chemical capture program may allow the possession of approved drugs for field use under the following conditions:

(a) The individual meets the requirements of an authorized person in WAC 246-945-503(3);

(b) The approved drugs are stored in a locked metal box securely attached to a vehicle;

(c) A drug inventory is completed at the beginning and at the end of each shift on a monthly basis and recorded in a
logbook or electronic record that meets the requirements of WAC 246-945-510; and

(d) All receipts and use of approved drugs are recorded in a logbook or electronic record that meets the requirements of WAC 246-945-510.
WAC 246-945-515  Human societies, animal control agencies, and department of fish and wildlife chemical capture programs—Drug storage and field use.  (1) Each registered humane society, animal control agency, and department of fish and wildlife chemical capture program location must store all approved legend drugs, and approved controlled substances in a substantially constructed securely locked cabinet or drawer.

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(c) The approved drugs are stored in a locked metal box securely attached to a vehicle;

(d) A drug inventory is completed at the beginning and end of each shift, and recorded in a logbook or electronic record that meets the requirements of WAC 246-945-510; and

(e) All receipts and use of approved drugs are recorded in a logbook or electronic record that meets the requirements of WAC 246-945-510.

(4) A registered department of fish and wildlife chemical capture program may allow the possession of approved drugs for field use under the following conditions:

(a) The individual meets the requirements of an authorized person in WAC 246-945-503(3);

(b) The approved drugs are stored in a locked metal box securely attached to a vehicle;

(c) A drug inventory is completed at the beginning and at the end of each shift on a weekly basis and recorded in a
logbook or electronic record that meets the requirements of WAC 246-945-510; and

(d) All receipts and use of approved drugs are recorded in a logbook or electronic record that meets the requirements of WAC 246-945-510.