



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Health- Board of Pharmacy

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

WAC 246-870-060 What are the board requirements for electronic prescription transmission systems?

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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AND RECEIVED BY (Date) 07/05/2010

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

The proposed rule change will amend WAC 246-870-060(6) to require a manual signature on the hard copy of a prescription printed from an electronic prescription transmission system. The amendment will make the rule language consistent with the tamper-resistant prescription law RCW 18.64.500.

Reasons supporting proposal:

The current rule as written is in conflict with Chapter 328, Laws of 2009, House Bill (HB) 2014. The law requires that if a hard copy of an electronically generated prescription is given directly to the patient, the prescription must be manually signed and must be on approved tamper-resistant paper. The law becomes effective July 1, 2010.

The expedited rule making process is appropriate because the content of the proposed rules is explicitly and specifically dictated by statute.

Statutory authority for adoption: RCW 18.64.005

Statute being implemented: RCW 18.64.500

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:

DATE 04/21/2010

NAME (TYPE OR PRINT)

Susan T. Boyer

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 04, 2010

TIME: 1:58 PM

WSR 10-10-110

Name of proponent: (person or organization) Board of Pharmacy

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

AMENDATORY SECTION (Amending WSR 03-24-070, filed 12/1/03, effective 1/1/04)

WAC 246-870-060 What are the board requirements for electronic prescription transmission systems? (1) Systems for the electronic transmission of prescription information must be approved by the board. Board approval of systems will be for a period of three years. The board will maintain a list of approved systems.

(2) Systems in which prescriptions are transmitted from the prescriber's facsimile machine to the pharmacy facsimile machine do not require board approval.

(3) Each system shall have policies and procedures on the electronic transmission of prescription information available that address the following:

(a) Patient access. The system may not restrict the patient's access to the pharmacy of their choice.

(b) Security. The system shall have security and system safeguard designed to prevent and detect unauthorized access, modification, or manipulation of prescription information. Accordingly, the system should include:

(i) Documented formal procedures for selecting and executing security measures;

(ii) Physical safeguards to protect computer systems and other pertinent equipment from intrusion;

(iii) Processes to protect, control and audit access to confidential patient information; and

(iv) Processes to prevent unauthorized access to the data when transmitted over communication networks or when data physically moves from one location to another using media such as magnetic tape, removable drives or CD media.

(c) Systems that utilize intermediaries in the electronic communication or processing of prescriptions such as third party payers shall be responsible to insure that their contracts with these intermediaries require security measures that are equal to or better than those provided by this rule and prohibit the modification of any prescription record after it has been transmitted by the practitioner to the pharmacist.

(d) Confidentiality of patient records. The system shall maintain the confidentiality of patient information in accordance with the requirements of chapters 18.64, 69.50, and 70.02 RCW Health Care Information Act and any applicable federal law.

(e) Authentication. To be valid prescriptions transmitted by an authorized prescriber from computer to fax machine or from computer to computer must use an electronic signature or digital signature.

(4) The system shall provide for the transmission and

retention of the information by the sender and the receiver of the prescription as required in WAC 246-870-030.

(5) The system must authenticate the sender's authority and credentials to transmit a prescription.

(a) The system shall provide an audit trail of all prescriptions electronically transmitted that documents for retrieval all actions and persons who have acted on a prescription, including authorized delegation of transmission;

(b) The right of the Washington state board of pharmacy to access electronically submitted prescriptions for purposes of investigations in disciplinary proceedings.

(6) If a hard copy of a prescription, generated from the electronic prescription system, is (~~printed on security paper that insures it is not subject to copying or alteration, an electronic signature may be substituted for a manual signature~~) given directly to the patient, the hard copy prescription must be manually signed and printed on approved tamper-resistant paper as required in RCW 18.64.500.