



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Pharmacy Quality Assurance Commission

- Preproposal Statement of Inquiry was filed as WSR WSR 16-01-156 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

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

Chapter 246-869 WAC, Pharmacy Licensing. The Pharmacy Quality Assurance Commission (commission) is proposing a new section, WAC 246-869-105, to allow licensed pharmacists to provide temporary prescription refills to patients whose usual pharmacy access is disrupted during a governor-proclaimed emergency event.

**Hearing location(s):** Pharmacy Quality Assurance Commission Business Meeting at:  
Red Lion Hotel  
1225 N. Wenatchee Ave.  
Wenatchee, WA 98801

Date: 09/29/2016 Time: 9:30 am

**Submit written comments to:**  
Name: Richard Cieslinski, R.Ph.  
Address:  
P.O. Box 47852  
Olympia, WA 98504-7852  
e-mail: <https://fortress.wa.gov/doh/policyreview>  
fax 360-236-2901 by (date) 09/19/2016

**Assistance for persons with disabilities:** Contact

LeAnn George by 09/16/2016

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 09/29/2016

(Note: This is **NOT** the effective date)

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

This new section will allow licensed pharmacists to provide a temporary prescription refill for patients when the patient's pharmacy access is disrupted during an event, such as earthquakes, floods, landslides, tsunamis or wildfires that result in a governor's emergency proclamation. The rule would allow pharmacists to legally fill a temporary prescription for legend drugs (up to a 30-day supply) or schedule III, IV or V controlled substances (up to a seven-day supply) in areas where residents are displaced during a governor-proclaimed emergency when the pharmacist can determine that the prescription is current and that there are refills remaining.

**Reasons supporting proposal:**

Patients who are displaced from their homes and who cannot access their community pharmacy during a proclaimed emergency would be able to get a temporary prescription refill from any pharmacy licensed by the commission. A pharmacist would have a legal means of filling a temporary prescription (for more than a 72- hour supply) in these instances and assure that the patient's medication therapy continues.

**Statutory authority for adoption:**  
RCW 18.64.005(7), RCW 18.64.500

**Statute being implemented:**  
RCW 18.64.005(7)

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 07/21/2016

**NAME** (type or print)  
Tim Lynch, PharmD, MS

**SIGNATURE**

**TITLE**  
Chair, Pharmacy Quality Assurance Commission

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** July 21, 2016

**TIME:** 11:09 AM

**WSR 16-16-012**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Washington State Pharmacy Quality Assurance Commission  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Richard Cieslinski R.Ph.	111 Israel Rd SE, Tumwater, WA 98501	360-236-4861
Implementation.... Steve Saxe R.Ph., Executive Director	111 Israel Rd SE, Tumwater, WA 98501	360-236-4853
Enforcement..... Steve Saxe R.Ph., Executive Director	111 Israel Rd SE, Tumwater, WA 98501	360-236-4853

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed

rule

would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Richard Cieslinski R.Ph.

Address: 111 Israel Road SE

Tumwater, WA 98501

phone 360-236-4861

fax 360-236-2901

e-mail [richard.cieslinski@doh.wa.gov](mailto:richard.cieslinski@doh.wa.gov)

No: Please explain:

NEW SECTION

**WAC 246-869-105 Continuity of care refills in proclaimed emergencies.** Notwithstanding WAC 246-869-100 (2)(f), when the governor issues an emergency proclamation for an event which prevents continuity of health care for persons and animals because their prescribed medications are no longer available to them due to the emergency event, pharmacists and pharmacies may provide emergency prescription supplies for medications during the period of the proclaimed emergency as provided below:

(1) An initial supply of up to thirty days of current prescriptions for legend drug (noncontrolled) medications or seven-day supply of current prescriptions for controlled substance medications in Schedules III, IV, and V may be provided to patients under the following conditions:

(a) Presentation of a valid prescription container complete with legible label indicating there are remaining refills, or confirmation of the prescribed medication and available refills by review of the patient's current medical records or pharmacy records; or

(b) If the prescription is expired and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense a one-time emergency refill of up to a seventy-two hour supply of the prescribed medication as described in WAC 246-869-100 (2)(f).

(2) For each medication dispensed under this section, a pharmacist shall:

(a) Document the dispensing as a prescription, noting where the information from subsection (1)(a) of this section was obtained, whether from the prescription container, the patient's prescriber or from the pharmacy records;

(b) Inform the patient's provider and the pharmacy at which the patient obtains his or her medications of the dispensing as soon as possible following the emergency dispensing;

(c) Mark the face of the prescription as an "emergency" prescription.

(3) Nothing in this rule modifies insurers' requirements for coverage and payment for prescribed medications.