

Significant Legislative Rule Analysis
Chapter 246-470 WAC
Prescription Monitoring Program
February 11, 2013

Section 1. What is the scope of the rule?

The Legislature amended the prescription monitoring program (Chapter 70.225 RCW) when it passed Substitute Senate Bill (SSB) 6105 (chapter 192, Laws of 2012). The amendment to RCW 70.225.020 requires controlled substances dispensed for more than one day use to be reported. The amendments also require the department, in collaboration with the Veterinary Board of Governors, to establish alternative data reporting requirements to the prescription monitoring program (PMP) for veterinarians that dispense controlled substances. The law allows the reporting of data elements either electronically or non-electronically. These rules establish additional alternative requirements including: identifying the specific data fields for reporting the dispensing of controlled substances by veterinarians; and specifying specific reporting timelines.

Section 2. What are the general goals and specific objectives of the proposed rule's authorizing statute?

RCW 70.225.025 states the Department of Health "shall adopt rules to implement this chapter (prescription monitoring program)."

The objective is to adopt alternative data reporting requirements consistent with those reporting fields that are more specific to animal versus human patients.

The proposed rule implements the following objectives:

- Establishes reporting requirement for prescriptions written for 14 or more days.
- Establishes the frequency of reporting from at least every six months but no more frequently than every three months (which is a requirement taken directly from the passed legislation).
- Establishes ten required data fields for reporting that are relevant to veterinary practice.

Section 3. What is the justification for the proposed rule package?

SSB 6105 directs the department to work in collaboration with the Veterinary Board of Governors to establish alternative PMP reporting requirements. The data reporting requirements must include only those data elements that are relevant to veterinary practices and necessary to accomplish the public protection goals, and a timeframe of no more frequently than once every three months and at least once every six months. To be enforceable these reporting requirements must be established in rule.

Section 4. What are the costs and benefits of each rule included in the rules package? What is the total probable cost and total probable benefit of the rule package?

- **WAC 246-470-010 Definitions**

Rule Overview:

The proposed rule language identifies a veterinarian as a dispenser and identifies where in the chapter veterinarian data reporting requirements can be found, WAC 246-470-035.

Rule Cost/Benefit Analysis:

There is no cost associated with the proposed rule amendment because the rule language identifies a requirement established in law.

- **WAC 246-470-030 Data submission requirements for dispensers**

Rule Overview:

The proposed rule language incorporates without material change language from SSB 6105, which requires dispensers to report only drugs dispensed for more than one day use.

Rule Cost/Benefit Analysis:

There is no cost associated with the proposed rule amendment because the rule language identifies a requirement established in law.

- **WAC 246-470-035 Dispensing and data submission requirements for veterinarians**

Rule Overview:

The proposed rule establishes a quarterly reporting requirement. This incorporates the requirement, established in law, for veterinarians to report prescriptions to the prescription monitoring program at least every six months but no more frequently than every three months. The proposed rules also incorporate language from the law that allows data to be submitted electronically or in a non-electronic method. The proposed rule establishes the reporting requirement for prescriptions written for 14 or more days. Lastly, the rule identifies ten required data fields in the prescription monitoring program that veterinarians must include when dispensing controlled substances (see list below).

Required data fields:

- a) Name of the animal or the animal's species (example: feline) for whom the drug is dispensed and the owner's last name;
- b) Animals date of birth, or if date of birth is unknown, enter January 1 of the estimated birth year;
- c) Owner's address;
- d) Drug dispensed;

- e) Date the drug was dispensed;
- f) Quantity and days supply dispensed;
- g) Prescriber identifier;
- h) Dispenser identifier;
- i) The name of the owner of the animal including first name, middle initial, last name, and generational suffixes, if any;
- j) When practicable, the identification number from a valid photo identification card of the owner.

Rule Cost/Benefit Analysis:

There are no compliance costs associated with the rule change. The rule will result in cost savings for veterinarians because it requires them to report fewer data elements (i.e., a reduction from 15 to 10 required data fields). The benefit of the rule is that it will lessen the burden for veterinarians to participate in the PMP, while still achieving the objectives of the program. Therefore, the total probable benefits of the rule exceed the total probable costs.

Section 5. What alternative versions of the rule were considered? Is the proposed rule the least burdensome approach?

Descriptions of alternatives considered and least burdensome determination

The department reviewed all of the previously required data fields to determine which ones were relevant to animals versus humans. After consideration, the department elected to eliminate five existing data elements that they determined were not needed to accomplish the public protection goals of the program. In addition to these five elements, the Washington State Veterinary Medical Association (WSVMA) also made a recommendation to the department to eliminate “date of birth” as one of the data requirements. They proposed that this data element was not relevant and most often not known by the owner. After consideration, the department elected to keep this element but allowed for a standardized answer if the birth date of the pet was unknown.

Section 6. Does the rule require anyone to take an action that violates another federal or state law?

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

Section 7. Does the rule impose more stringent performance requirements on private entities than on public entities, unless the difference is required in federal or state law?

The department determined that the rule does not impose more stringent performance requirements on private entities than on public entities.

Section 8. Does the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, is the difference justified by an explicit state statute or by substantial evidence that the difference is necessary?

The rule does not differ from any applicable federal regulation or statute.

Section 9. Has the rule been coordinated, to the maximum extent possible, with other federal, state, and local laws applicable to the same activity or subject matter?

There are no other applicable laws.