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HOUSE BILL 3240

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State of Washington

60th Legislature

2008 Regular Session

By Representative Condotta

1 AN ACT Relating to the duty of pharmacies to facilitate the  
2 delivery of lawfully prescribed drugs and devices to patients; adding  
3 a new section to chapter 18.64 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that patient safety  
6 and service are essential components of a successful health care  
7 system. Recognizing the limitations of individual providers and  
8 resources, it is not possible for each health care provider to offer  
9 every possible service to every patient in a safe or timely manner. To  
10 that end there has been a long tradition in all areas of the health  
11 care field to utilize a referral process in order to effectively  
12 connect a patient with the services he or she needs. In order to  
13 facilitate safe, timely, medically appropriate, and efficient patient  
14 care, the legislature finds that a standardization of the referral  
15 process in the pharmacy profession is in the best interests of both  
16 patients and pharmacies. Through this process a patient is guaranteed  
17 access to necessary treatment.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 18.64 RCW  
2 to read as follows:

3        (1) Pharmacies have a duty to facilitate the delivery of lawfully  
4 prescribed and medically appropriate drugs or devices and those  
5 approved for restricted distribution by pharmacies, or to facilitate  
6 the delivery of therapeutically equivalent drugs or devices to patients  
7 in a timely manner, except under the following circumstances:

8        (a) Prescriptions containing obvious or known errors, inadequacies  
9 in the instructions, known contraindications, or incompatible  
10 prescriptions;

11        (b) Potentially fraudulent prescriptions; and

12        (c) National or state emergencies or guidelines affecting  
13 availability, usage, or supplies of drugs or devices.

14        (2) A pharmacy fulfills the duty to facilitate the delivery of  
15 lawfully prescribed medically appropriate drugs or devices if, when  
16 presented with a lawful, medically appropriate prescription, or request  
17 for distribution, a pharmacy:

18        (a) Dispenses the lawfully prescribed and medically appropriate  
19 drug or device or a therapeutically equivalent alternative drug or  
20 device;

21        (b) Guarantees the patient's access to the lawfully prescribed and  
22 medically appropriate drug or device by referring the patient to a  
23 pharmacy or medical provider who will provide the care. To complete  
24 the referral, the referring pharmacy shall contact the provider of the  
25 patient's choice to confirm that the drug or device is available, and  
26 transfer the prescription to the new provider; or

27        (c) If the patient or the patient's caregiver objects to referral,  
28 returns the patient's unfilled prescription.

29        (3) Nothing in this section requires a pharmacy to deliver a drug  
30 or device without payment of its usual and customary or contracted  
31 charge.

32        (4) A pharmacy or pharmacist may not be disciplined or  
33 discriminated against in employment or professional privileges for  
34 referring a patient to another provider in lieu of dispensing a drug or  
35 device so long as the pharmacy or pharmacist has complied with the  
36 requirements of this section.

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