

# SENATE BILL REPORT

## SSB 5252

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As Amended by House, April 7, 2009

**Title:** An act relating to correctional facility policies regarding medication management.

**Brief Description:** Addressing correctional facility policies regarding medication management.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove and Shin).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/03/09, 2/20/09 [DPS].

Passed Senate: 3/03/09, 48-0.

Passed House: 4/07/09, 97-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

**Staff:** Kevin Black (786-7747)

**Background:** The State Board of Pharmacy (board) regulates the practice of pharmacy in the state of Washington. The board establishes qualifications for licensure of pharmacists and promulgates rules for dispensing and distribution of drugs. The board also monitors trends and provides education in preventing the misuse of drugs.

The Washington Association of Sheriffs and Police Chiefs (WASPC) is an association of top and executive management personnel from law enforcement agencies statewide. Its mission is to lead collaboration among law enforcement executives to enhance public safety.

**Summary of Substitute Bill:** WASPC is instructed to convene a jail medication management workgroup in order to develop a model policy regarding the management of medication in jails, subject to funding. The model policy is to be developed by December 31, 2009. A list of parameters is provided for the model policy. This section is null and void if not funded.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The board is prohibited from regulating or establishing standards for a jail that does not operate a pharmacy or correctional pharmacy.

A jail is authorized to provide for the delivery and administration of medications and medication assistance for inmates by trained personnel under certain conditions, including provision for training, consultation with a licensed pharmacist, and adoption of a policy for controlling and storing medications. Inmates must not be allowed to dispense medications.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The board's recent attempt to regulate medication in jails without making a distinction between jails that do and do not operate pharmacies is troubling. Jails need the support to be able to use best practices without being forced to comply with unreasonable or unworkable regulations. Sections of the bill were modeled on existing rules for handling of medications which apply to school employees and day care providers.

CON: We are concerned with the lack of involvement by licensed providers in developing the policies referred to in the legislation. We would like to work with the drafters to ensure that there is involvement by licensed providers and some oversight over the handling of medication.

**Persons Testifying:** PRO: Joanna Arlow, WASPC; Penny Bartley, Renton Jail; Stephen Sultemeier, Pacific County Jail; Todd Thomas, Thurston County.

CON: Sofia Aragon, Washington State Nurses' Association; Dedi Hitchens, Washington State Pharmacy Association.

**House Amendment(s):** Requires the work group developing the model medication policy to include members of the pharmaceutical community, the Department of Health, and the Washington State Nurses' Association. A designated physician, registered nurse, or advanced registered nurse practitioner must monitor medication procedures by nonpractitioner jail personnel. A jail must consult with one or more pharmacists and one or more licensed physicians or nurses before developing a medication policy.