

# HOUSE BILL REPORT

## SSB 5459

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**As Passed House - Amended:**  
April 9, 2013

**Title:** An act relating to requiring ninety-day supply limits on certain drugs dispensed by a pharmacist.

**Brief Description:** Requiring ninety-day supply limits on certain drugs dispensed by a pharmacist.

**Sponsors:** Senate Committee on Health Care (originally sponsored by Senators Becker, Keiser, Parlette, Dammeier and Kline).

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 3/14/13, 3/26/13 [DPA].

**Floor Activity:**

Passed House - Amended: 4/9/13, 90-3.

**Brief Summary of Substitute Bill  
(As Amended by House)**

- Allows a licensed pharmacist to refill a 90-day supply of a prescription after the patient has completed his or her initial prescription.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Angel, Clibborn, Green, Harris, Manweller, Moeller, Morrell, Riccelli, Rodne, Ross, Short, Tharinger and Van De Wege.

**Staff:** Jim Morishima (786-7191).

**Background:**

A licensed pharmacist may fill prescriptions written by certain health care providers, including:

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- physicians;
- osteopathic physicians;
- optometrists;
- dentists;
- podiatric physicians;
- veterinarians;
- advanced registered nurse practitioners;
- physician assistants; and
- osteopathic physician assistants.

A drug prescription must contain an instruction on whether a therapeutically equivalent generic drug may be substituted in its place. Prescriptions may be transmitted electronically, in writing, or orally.

**Summary of Amended Bill:**

A pharmacist may dispense a supply of no more than 90 days of a drug that is not a controlled substance pursuant to a prescription that specifies an initial quantity of less than a 90-day supply followed by periodic refills if:

- the patient has completed an initial 30-day supply of the drug, unless the prescription continues the same medication previously dispensed in a 90-day supply, in which case the initial 30-day supply is not required;
- the total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber, including refills;
- the prescriber has not specified on the prescription that dispensing the prescription in an initial amount followed by periodic refills is medically necessary; and
- the pharmacist is exercising his or her professional judgment.

A pharmacist may not dispense a greater supply of a drug pursuant to this authority if the prescriber personally indicates, orally or in writing, "no change to quantity" or similar words. A prescriber may check a box marked "no change to quantity" if he or she initials the box or checkmark. If a pharmacist dispenses an increased supply of a drug, he or she must notify the prescriber of the increase in the quantity of dosage units dispensed.

A health benefit plan, health carrier, workers' compensation insurance plan, pharmacy benefit manager, or any other person or entity including, but not limited to, a state program or state employer is not required to provide coverage in a manner inconsistent with the beneficiary's or enrollee's plan benefit.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) It can be inconvenient for people on chronic medications to have to get refills every 30 days. In order to fill up to 90 days, pharmacies currently have to notify the prescriber. This bill will allow pharmacies to refill up to 90 days and then notify the provider on the back end; this will provide cost savings and increase medication adherence. The bill has several safeguards, including not allowing pharmacies to supersede a prescriber's directions (prescribers can still specify "30 days only"), requiring notice to the prescriber, and not interfering with insurance coverage. This bill will lead to lower dispensing fees and lower out-of-pocket expenses to consumers. Other states are already doing this.

(Opposed) None.

**Persons Testifying:** Senator Becker, prime sponsor; Jim Hedrick, Walgreens; and Holly Chisa, Northwest Grocery Association.

**Persons Signed In To Testify But Not Testifying:** None.