

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1761

67th Legislature
2022 Regular Session

Passed by the House January 28, 2022
Yeas 94 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2022
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1761** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1761

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis, and Chambers

Prefiled 01/04/22. Read first time 01/10/22. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to allowing nurses to dispense opioid overdose
2 reversal medication in the emergency department; amending RCW
3 70.41.480; and declaring an emergency.

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

5 **Sec. 1.** RCW 70.41.480 and 2021 c 273 s 2 are each amended to
6 read as follows:

7 (1) The legislature finds that high quality, safe, and
8 compassionate health care services for patients of Washington state
9 must be available at all times. The legislature further finds that
10 there is a need for patients being released from hospital emergency
11 departments to maintain access to emergency medications when
12 community or hospital pharmacy services are not available, including
13 medication for opioid overdose reversal and for the treatment for
14 opioid use disorder as appropriate. It is the intent of the
15 legislature to accomplish this objective by allowing practitioners
16 with prescriptive authority to prescribe limited amounts of
17 prepackaged emergency medications to patients being discharged from
18 hospital emergency departments when access to community or outpatient
19 hospital pharmacy services is not otherwise available.

20 (2) A hospital may allow a practitioner to prescribe prepackaged
21 emergency medications and allow a practitioner or a registered nurse

1 licensed under chapter 18.79 RCW to distribute prepackaged emergency
2 medications to patients being discharged from a hospital emergency
3 department in the following circumstances:

4 (a) During times when community or outpatient hospital pharmacy
5 services are not available within (~~(fifteen)~~) 15 miles by road; or

6 (b) When, in the judgment of the practitioner and consistent with
7 hospital policies and procedures, a patient has no reasonable ability
8 to reach the local community or outpatient pharmacy.

9 (3) A hospital may only allow this practice if: The director of
10 the hospital pharmacy, in collaboration with appropriate hospital
11 medical staff, develops policies and procedures regarding the
12 following:

13 (a) Development of a list, preapproved by the pharmacy director,
14 of the types of emergency medications to be prepackaged and
15 distributed;

16 (b) Assurances that emergency medications to be prepackaged
17 pursuant to this section are prepared by a pharmacist or under the
18 supervision of a pharmacist licensed under chapter 18.64 RCW;

19 (c) Development of specific criteria under which emergency
20 prepackaged medications may be prescribed and distributed consistent
21 with the limitations of this section;

22 (d) Assurances that any practitioner authorized to prescribe
23 prepackaged emergency medication or any nurse authorized to
24 distribute prepackaged emergency medication is trained on the types
25 of medications available and the circumstances under which they may
26 be distributed;

27 (e) Procedures to require practitioners intending to prescribe
28 prepackaged emergency medications pursuant to this section to
29 maintain a valid prescription either in writing or electronically in
30 the patient's records prior to a medication being distributed to a
31 patient;

32 (f) Establishment of a limit of no more than a (~~(forty-eight)~~) 48
33 hour supply of emergency medication as the maximum to be dispensed to
34 a patient, except when community or hospital pharmacy services will
35 not be available within (~~(forty-eight)~~) 48 hours. In no case may the
36 policy allow a supply exceeding (~~(ninety-six)~~) 96 hours be dispensed;

37 (g) Assurances that prepackaged emergency medications will be
38 kept in a secure location in or near the emergency department in such
39 a manner as to preclude the necessity for entry into the pharmacy;
40 and

1 (h) Assurances that nurses or practitioners will distribute
2 prepackaged emergency medications to patients only after a
3 practitioner has counseled the patient on the medication.

4 (4) The delivery of a single dose of medication for immediate
5 administration to the patient is not subject to the requirements of
6 this section.

7 (5) Nothing in this section restricts the authority of a
8 practitioner in a hospital emergency department to distribute opioid
9 overdose reversal medication under RCW 69.41.095.

10 (6) A practitioner or a nurse in a hospital emergency department
11 must dispense or distribute opioid overdose reversal medication in
12 compliance with RCW 70.41.485.

13 (7) For purposes of this section:

14 (a) "Emergency medication" means any medication commonly
15 prescribed to emergency department patients, including those drugs,
16 substances or immediate precursors listed in schedules II through V
17 of the uniform controlled substances act, chapter 69.50 RCW, as now
18 or hereafter amended.

19 (b) "Distribute" means the delivery of a drug or device other
20 than by administering or dispensing.

21 (c) "Opioid overdose reversal medication" has the same meaning as
22 provided in RCW 69.41.095.

23 (d) "Practitioner" means any person duly authorized by law or
24 rule in the state of Washington to prescribe drugs as defined in RCW
25 18.64.011(29).

26 (e) "Nurse" means a registered nurse or licensed practical nurse
27 as defined in chapter 18.79 RCW (~~(18.79.020)~~).

28 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and takes
31 effect immediately.

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