
SUBSTITUTE HOUSE BILL 2798

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Lambert, Campbell, Cody, Parlette, Kagi, Benson and Haigh)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to legibility of prescriptions; amending RCW
2 69.41.120; reenacting and amending RCW 69.41.010; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that we have one of
6 the finest health care systems in the world and excellent professionals
7 to deliver that care. However, there are incidents of medical errors
8 that are avoidable and serious mistakes that are preventable. Drug
9 orders that are illegibly written or are ambiguous or confusing are
10 factors in medical mistakes. The legislature further finds that over
11 the past seven years the American medical association has urged doctors
12 to improve the legibility of handwritten orders for medications. Every
13 year approximately one hundred thousand deaths nationally are
14 attributed to misfilled or illegible prescriptions. The institute for
15 safe medication practices' data shows that about twenty-five percent of
16 medical errors result from mistakes in writing the prescription.

17 It is the intent of the legislature to promote medical safety as a
18 top priority for all citizens of our state by requiring that

1 prescriptions be clearly written so that they can be read and
2 understood.

3 **Sec. 2.** RCW 69.41.010 and 1998 c 222 s 1 and 1998 c 70 s 2 are
4 each reenacted and amended to read as follows:

5 As used in this chapter, the following terms have the meanings
6 indicated unless the context clearly requires otherwise:

7 (1) "Administer" means the direct application of a legend drug
8 whether by injection, inhalation, ingestion, or any other means, to the
9 body of a patient or research subject by:

10 (a) A practitioner; or

11 (b) The patient or research subject at the direction of the
12 practitioner.

13 (2) "Deliver" or "delivery" means the actual, constructive, or
14 attempted transfer from one person to another of a legend drug, whether
15 or not there is an agency relationship.

16 (3) "Department" means the department of health.

17 (4) "Dispense" means the interpretation of a prescription or order
18 for a legend drug and, pursuant to that prescription or order, the
19 proper selection, measuring, compounding, labeling, or packaging
20 necessary to prepare that prescription or order for delivery.

21 (5) "Dispenser" means a practitioner who dispenses.

22 (6) "Distribute" means to deliver other than by administering or
23 dispensing a legend drug.

24 (7) "Distributor" means a person who distributes.

25 (8) "Drug" means:

26 (a) Substances recognized as drugs in the official United States
27 pharmacopoeia, official homeopathic pharmacopoeia of the United States,
28 or official national formulary, or any supplement to any of them;

29 (b) Substances intended for use in the diagnosis, cure, mitigation,
30 treatment, or prevention of disease in man or animals;

31 (c) Substances (other than food, minerals or vitamins) intended to
32 affect the structure or any function of the body of man or animals; and

33 (d) Substances intended for use as a component of any article
34 specified in clause (a), (b), or (c) of this subsection. It does not
35 include devices or their components, parts, or accessories.

36 (9) "Electronic communication of prescription information" means
37 the communication of prescription information by computer, or the
38 transmission of an exact visual image of a prescription by facsimile,

1 or other electronic means for original prescription information or
2 prescription refill information for a legend drug between an authorized
3 practitioner and a pharmacy or the transfer of prescription information
4 for a legend drug from one pharmacy to another pharmacy.

5 (10) "Legend drugs" means any drugs which are required by state law
6 or regulation of the state board of pharmacy to be dispensed on
7 prescription only or are restricted to use by practitioners only.

8 (11) "Legible prescription" means a prescription or medication
9 order issued by a practitioner that is capable of being read and
10 understood by the pharmacist filling the prescription or the nurse or
11 other practitioner implementing the medication order.

12 (12) "Medication assistance" means assistance rendered by a
13 nonpractitioner to an individual residing in a community-based setting
14 specified in RCW 69.41.085 to facilitate the individual's self-
15 administration of a legend drug or controlled substance. It includes
16 reminding or coaching the individual, handing the medication container
17 to the individual, opening the individual's medication container, using
18 an enabler, or placing the medication in the individual's hand, and
19 such other means of medication assistance as defined by rule adopted by
20 the department. The nonpractitioner may help in the preparation of
21 legend drugs or controlled substances for self-administration where a
22 practitioner has determined, in consultation with the individual or the
23 individual's representative, that such medication assistance is
24 necessary and appropriate. Medication assistance shall not include
25 assistance with intravenous medications or injectable medications.

26 (~~(12)~~) (13) "Person" means individual, corporation, government or
27 governmental subdivision or agency, business trust, estate, trust,
28 partnership or association, or any other legal entity.

29 (~~(13)~~) (14) "Practitioner" means:

30 (a) A physician under chapter 18.71 RCW, an osteopathic physician
31 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
32 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
33 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
34 registered nurse, advanced registered nurse practitioner, or licensed
35 practical nurse under chapter 18.79 RCW, an optometrist under chapter
36 18.53 RCW who is certified by the optometry board under RCW 18.53.010,
37 an osteopathic physician assistant under chapter 18.57A RCW, a
38 physician assistant under chapter 18.71A RCW, a naturopath licensed
39 under chapter 18.36A RCW, or a pharmacist under chapter 18.64 RCW;

1 (b) A pharmacy, hospital, or other institution licensed,
2 registered, or otherwise permitted to distribute, dispense, conduct
3 research with respect to, or to administer a legend drug in the course
4 of professional practice or research in this state; and

5 (c) A physician licensed to practice medicine and surgery or a
6 physician licensed to practice osteopathic medicine and surgery in any
7 state, or province of Canada, which shares a common border with the
8 state of Washington.

9 (~~(14)~~) (15) "Secretary" means the secretary of health or the
10 secretary's designee.

11 **Sec. 3.** RCW 69.41.120 and 1990 c 218 s 1 are each amended to read
12 as follows:

13 Every drug prescription shall contain an instruction on whether or
14 not a therapeutically equivalent generic drug may be substituted in its
15 place, unless substitution is permitted under a prior-consent
16 authorization.

17 If a written prescription is involved, the prescription must be
18 legible and the form shall have two signature lines at opposite ends on
19 the bottom of the form. Under the line at the right side shall be
20 clearly printed the words "DISPENSE AS WRITTEN". Under the line at the
21 left side shall be clearly printed the words "SUBSTITUTION PERMITTED".
22 The practitioner shall communicate the instructions to the pharmacist
23 by signing the appropriate line. No prescription shall be valid
24 without the signature of the practitioner on one of these lines. In
25 the case of a prescription issued by a practitioner in another state
26 that uses a one-line prescription form or variation thereof, the
27 pharmacist may substitute a therapeutically equivalent generic drug
28 unless otherwise instructed by the practitioner through the use of the
29 words "dispense as written", words of similar meaning, or some other
30 indication.

31 If an oral prescription is involved, the practitioner or the
32 practitioner's agent shall instruct the pharmacist as to whether or not
33 a therapeutically equivalent generic drug may be substituted in its
34 place. The pharmacist shall note the instructions on the file copy of
35 the prescription.

1 The pharmacist shall note the manufacturer of the drug dispensed on
2 the file copy of a written or oral prescription.

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