
HOUSE BILL 2022

State of Washington

57th Legislature

2001 Regular Session

By Representatives Alexander and Pennington

Read first time 02/12/2001. Referred to Committee on Health Care.

1 AN ACT Relating to prohibiting therapeutic substitution by the
2 medical assistance administration; amending RCW 74.09.010; adding a new
3 section to chapter 74.09 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 protect the states' most vulnerable population, the aged, blind,
7 disabled, and mentally ill in the medicaid fee for service program.
8 The legislature finds that restricting patients' access to important
9 prescription drugs by means of unproven programs such as the proposed
10 therapeutic substitution program may jeopardize patients' health and
11 result in higher costs to the state from increased use of other medical
12 services.

13 **Sec. 2.** RCW 74.09.010 and 1990 c 296 s 6 are each amended to read
14 as follows:

15 As used in this chapter:

16 (1) "Children's health program" means the health care services
17 program provided to children under eighteen years of age and in
18 households with incomes at or below the federal poverty level as

1 annually defined by the federal department of health and human services
2 as adjusted for family size, and who are not otherwise eligible for
3 medical assistance or the limited casualty program for the medically
4 needy.

5 ~~((("Committee" means the children's health services committee
6 created in section 3 of this act.~~

7 ~~(3))~~ "County" means the board of county commissioners, county
8 council, county executive, or tribal jurisdiction, or its designee. A
9 combination of two or more county authorities or tribal jurisdictions
10 may enter into joint agreements to fulfill the requirements of RCW
11 74.09.415 through 74.09.435.

12 ~~((4))~~ (3) "Department" means the department of social and health
13 services.

14 ~~((5))~~ (4) "Department of health" means the Washington state
15 department of health created pursuant to RCW 43.70.020.

16 ~~((6))~~ (5) "Internal management" means the administration of
17 medical assistance, medical care services, the children's health
18 program, and the limited casualty program.

19 ~~((7))~~ (6) "Limited casualty program" means the medical care
20 program provided to medically needy persons as defined under Title XIX
21 of the federal social security act, and to medically indigent persons
22 who are without income or resources sufficient to secure necessary
23 medical services.

24 ~~((8))~~ (7) "Medical assistance" means the federal aid medical care
25 program provided to categorically needy persons as defined under Title
26 XIX of the federal social security act.

27 ~~((9))~~ (8) "Medical care services" means the limited scope of care
28 financed by state funds and provided to general assistance recipients,
29 and recipients of alcohol and drug addiction services provided under
30 chapter 74.50 RCW.

31 ~~((10))~~ (9) "Nursing home" means nursing home as defined in RCW
32 18.51.010.

33 ~~((11))~~ (10) "Poverty" means the federal poverty level determined
34 annually by the United States department of health and human services,
35 or successor agency.

36 ~~((12))~~ (11) "Secretary" means the secretary of social and health
37 services.

38 (12) "Therapeutic substitution" means the dispensing of a
39 therapeutic alternative or preferred drug instead of the original drug

1 product prescribed, in accordance with either established written
2 therapeutic interchange guidelines or protocols from the prescriber for
3 the pharmacist to follow or as a result of a patient-specific
4 consultation between the pharmacist and the prescriber.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW
6 to read as follows:

7 The medical assistance administration shall not restrict access to
8 prescription medication through use of therapeutic substitution or
9 other similar programs.

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