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**SUBSTITUTE HOUSE BILL 2452**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Backlund, Cody, Parlette, Kastama, DeBolt, Dyer, Lambert, Koster, Sherstad, Benson, Anderson and Zellinsky)

Read first time 02/03/98. Referred to Committee on .

1 AN ACT Relating to defining medication assistance in community-  
2 based settings; amending RCW 69.41.010; and adding a new section to  
3 chapter 69.41 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.41 RCW  
6 to read as follows:

7 Individuals residing in community-based settings, such as adult  
8 family homes, boarding homes, and residential care settings for the  
9 developmentally disabled, including an individual's home, might need  
10 medication assistance due to physical or mental limitations that  
11 prevent them from self-administering their legend drugs or controlled  
12 substances. The practitioner in consultation with the individual or  
13 his or her representative and the community-based setting, if involved,  
14 determines that medication assistance is appropriate for this  
15 individual. Medication assistance can take different forms such as  
16 opening containers, handing the container or medication to the  
17 individual, preparing the medication with prior authorization, using  
18 enablers for facilitating the self-administration of medication, and  
19 other means of assisting in the administration of legend drugs or

1 controlled substances commonly employed in community-based settings.  
2 Nothing in this chapter affects the right of an individual to refuse  
3 medication or requirements relating to informed consent.

4 **Sec. 2.** RCW 69.41.010 and 1996 c 178 s 16 are each amended to read  
5 as follows:

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

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

11 (a) A practitioner; or

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

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

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

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

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

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

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

26 (8) "Drug" means:

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

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

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

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

1 (9) "Legend drugs" means any drugs which are required by state law  
2 or regulation of the state board of pharmacy to be dispensed on  
3 prescription only or are restricted to use by practitioners only.

4 (10) "Medication assistance" means assistance rendered by a  
5 nonpractitioner to an individual residing in a community-based setting  
6 specified in section 1 of this act to facilitate the individual's self-  
7 administration of a legend drug or controlled substance. It includes  
8 reminding or coaching the individual, handing the medication container  
9 to the individual, opening the individual's medication container, using  
10 an enabler, or placing the medication in the individual's hand, and  
11 such other means of medication assistance as defined by rule adopted by  
12 the department. The nonpractitioner may help in the preparation of  
13 legend drugs or controlled substances for self-administration where a  
14 practitioner has determined, in consultation with the individual or the  
15 individual's representative, that such medication assistance is  
16 necessary and appropriate. Medication assistance shall not include  
17 assistance with intravenous medications or injectable medications.

18 (11) "Person" means individual, corporation, government or  
19 governmental subdivision or agency, business trust, estate, trust,  
20 partnership or association, or any other legal entity.

21 (~~(11)~~) (12) "Practitioner" means:

22 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
23 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
24 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
25 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
26 registered nurse, advanced registered nurse practitioner, or licensed  
27 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
28 18.53 RCW who is certified by the optometry board under RCW 18.53.010,  
29 an osteopathic physician assistant under chapter 18.57A RCW, a  
30 physician assistant under chapter 18.71A RCW, or a pharmacist under  
31 chapter 18.64 RCW;

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

36 (c) A physician licensed to practice medicine and surgery or a  
37 physician licensed to practice osteopathic medicine and surgery in any  
38 state, or province of Canada, which shares a common border with the  
39 state of Washington.

1        (~~(12)~~) (13) "Secretary" means the secretary of health or the  
2 secretary's designee.

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