

# SENATE BILL REPORT

## SSB 5459

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As Amended by House, 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: 2/18/13, 2/19/13 [DPS].

Passed Senate: 2/27/13, 49-0.

Passed House: 4/09/13, 90-3.

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Keiser, Ranking Member; Bailey, Cleveland, Ericksen, Frockt, Parlette and Schlicher.

**Staff:** Mich'l Needham (786-7442)

**Background:** The State Board of Pharmacy, within the Department of Health, regulates the licensing of pharmacists and the practice of pharmacy. In general, pharmacists may dispense medications consistent with the prescription or order; however, a pharmacist may make product substitutions or modifications to the prescription under some conditions.

A number of states have passed legislation allowing pharmacists to dispense refills of a prescription with up to a 90-day supply without the direct order of the prescriber.

**Summary of Substitute Bill:** A pharmacist may dispense up to a 90-day supply of a drug, other than a controlled substance, with a valid prescription that specifies the initial quantity of less than a 90-day supply followed by refills, if all of the following requirements are met:

- the patient has completed an initial 30-day supply of the drug, or has been previously dispensed the same medication in a 90-day supply;

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- the total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the prescription including refills;
- the prescriber has not specified that dispensing the prescription in an initial amount is medically necessary; and
- the pharmacist is exercising their professional judgment.

A pharmacist may not dispense a greater supply of a drug if the prescriber indicates no change to quantity orally or in their own handwriting, or if the prescriber checks the box on the prescription marked no change to quantity and personally initials the box or checkmark. The pharmacist dispensing an increased supply of the drug must notify the prescriber of the increase in the dosage dispensed.

Nothing may be construed to require a health care insurance plan, workers' compensation insurance plan, pharmacy benefit manager, or other entity, to provide coverage for a drug in a manner inconsistent with the patient's benefit plan.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This is about cost savings and adherence to maintenance drugs. A 90-day supply saves dispensing fees and patients save co-pays as opposed to dispensing three, 30-day supplies. In addition, patients are more likely to adhere to taking their medications, especially maintenance medications for blood pressure, cholesterol, and depression, which are among the most commonly dispensed products for Walgreens.

**Persons Testifying:** PRO: Jim Hedrick, Walgreens.

**House Amendment(s):** Makes terms relating to health insurance consistent with state statutes by changing "health care service plan" to "health benefit plan," changing "health insurer" to "health carrier," and adding "or enrollee" to the the term "beneficiary." Clarifies that the act does not require coverage, instead of coverage of a drug, in a manner inconsistent with the plan benefit.