

FINAL BILL REPORT

ESB 6095

C 100 L 24
Synopsis as Enacted

Brief Description: Establishing clear authority for the secretary of health to issue standing orders.

Sponsors: Senators Robinson and Valdez; by request of Department of Health.

Senate Committee on Health & Long Term Care
House Committee on Health Care & Wellness

Background: Standing orders are instructions from a prescriber or qualified health care professional for patients to receive tests, vaccines, clinical services, or procedures without an individual prescription. In 2019, the Legislature granted authority for the Secretary of Health (secretary) to issue standing orders for individuals at risk of opioid overdose to receive opioid reversal medication. During the COVID-19 pandemic the secretary issued standing orders for vaccines, testing, and epinephrine autoinjectors, under now expired federal authority.

Summary: The secretary or the secretary's designee, who must be a department employee, may issue a prescription or standing order for any biological product, device, or drug for controlling and preventing the spread of, mitigating, or treating any infectious or noninfectious disease or threat to the public health. The secretary or the secretary's designee may place limitations on the use of a prescription or standing order and should include appropriate recommendations for follow-up care.

To issue a prescription or standing order, the secretary or the secretary's designee, must hold a valid license in the state that authorizes the issuance of the prescription or standing order and comply with applicable licensing requirements not in conflict with this act.

The secretary or the secretary's designee has sole discretion and owes no duty to any person to issue a prescription or standing order. Neither the state nor the secretary nor the secretary's designee shall be liable for any civil or criminal damages or any professional disciplinary action related to the issuance of prescriptions or standing orders, other than for

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

acts or omissions constituting gross negligence or willful or wanton misconduct.

Before issuing a standing order, the secretary or the secretary's designee shall solicit and consider the recommendations of the local health officers for the geographic areas to which the standing order will apply, unless doing so would result in a delay that would endanger public health.

The secretary, the secretary's designee, and Department of Health employees may acquire, possess, deliver, dispense, and administer a biological product, device, or drug pursuant to a prescription or standing order provided that the individual holds a valid license in this state that authorizes such activity, as applicable. Other persons may acquire, possess, deliver, dispense, and administer a biological product, device, or drug pursuant to a prescription or standing order as otherwise provided by law.

This act does not limit or modify the authority of a local health officer to issue a prescription or standing order under any other provision of law.

Nothing shall be construed to allow the secretary or the secretary's designee to issue a standing order to require a person to take a drug or biological product or withhold a drug or biological product from a person.

Votes on Final Passage:

Senate	30	19
House	59	37

Effective: June 6, 2024