

WSR 21-13-099

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed June 18, 2021, 1:53 p.m., effective October 1, 2021]

Effective Date of Rule: October 1, 2021.

Purpose: The agency is establishing rules regarding prescriber and pharmacist use of the qualified prescription drug monitoring program, as required by § 5042 of the SUPPORT for Patients and Communities Act (Public Law 115-271), prior to prescribing or dispensing scheduled drugs.

Citation of Rules Affected by this Order: New WAC 182-530-1080.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Public Law 115-271.

Adopted under notice filed as WSR 21-06-097 on March 2, 2021.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/ Adopted	WAC Subsection	Reason
WAC 182-530-1080		
Proposed	WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers and pharmacists must take to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC, prior to prescribing a controlled substance or dispensing a controlled substance from an outpatient pharmacy.	Revised language to clarify that prescribers conduct their review before prescribing, and pharmacists conduct their check when dispensing.
Adopted	WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers must take before prescribing a controlled substance and the steps pharmacists must take when dispensing a controlled substance from an outpatient pharmacy to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC.	
WAC 182-530-1080		
Proposed	(1) PMP review required. Except as identified in subsection (4) of this section, a prescriber or pharmacist must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health, before prescribing or dispensing a controlled substance.	Revised language to clarify when prescribers and pharmacists conduct their checks.
Adopted	(1) PMP review required. Except as identified in subsection (4) of this section, a prescriber, before prescribing, and a pharmacist, when dispensing, must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health.	
WAC 182-530-1080		

Proposed/ Adopted	WAC Subsection	Reason
Proposed	(2) Retrieval by delegates allowed. A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or dispensing a controlled substance.	Added "when" before "dispensing" to better clarify the timing for the pharmacist's check.
Adopted	(2) Retrieval by delegates allowed. A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or when dispensing a controlled substance.	
WAC 182-530-1080		
Proposed	(3) Documentation. The prescriber or pharmacist must document in the client's record the date and time of the: (a) Retrieval of information from the PMP; and (b) Review of information from the PMP.	Revised this to say "prescriber and pharmacist" to clarify that both parties must conduct PMP checks.
Adopted	(3) Documentation. The prescriber and pharmacist must document in the client's record the date and time of the: (a) Retrieval of information from the PMP; and (b) Review of information from the PMP.	
WAC 182-530-1080		
Adopted	(4) Good faith effort exception. (a) A prescriber, pharmacist, or their delegate must make a good faith effort to review a client's prescription drug history in the PMP. (b) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record. (c) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.	Removed proposed subsection (a) because it is not needed and because delegates can only retrieve, not review PMP information.
Proposed	(4) Good faith effort exception. (a) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record. (b) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.	

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: June 18, 2021.

Wendy Barcus
Rules Coordinator

OTS-2794.4

NEW SECTION

WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers must take before prescribing a controlled substance and the steps pharmacists must take when dispensing a controlled substance from an outpatient pharmacy to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC.

(1) **PMP review required.** Except as identified in subsection (4) of this section, a prescriber, before prescribing, and a pharmacist, when dispensing, must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health.

(2) **Retrieval by delegates allowed.** A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or when dispensing a controlled substance.

(3) **Documentation.** The prescriber and pharmacist must document in the client's record the date and time of the:

- (a) Retrieval of information from the PMP; and
- (b) Review of information from the PMP.

(4) **Good faith effort exception.**

(a) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record.

(b) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.

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