

WSR 23-07-058

PERMANENT RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed March 9, 2023, 11:20 p.m., effective April 9, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Establishing WAC 246-945-171 Retired active pharmacist license status. On March 26, 2020, Governor Inslee signed Proclamation 20-32 to help increase the number of health care workers available to meet the needs of patients during the coronavirus disease 2019 (COVID-19) pandemic. This proclamation included a provision that allows a pharmacist with a retired active pharmacist license status to practice pharmacy. Specifically, the proclamation waived the phrase "shall not be authorized to practice pharmacy and" from WAC 246-863-080(2) Retired pharmacist license. In other words, the proclamation amended WAC 246-863-080(2) to read: "The holder of a retired pharmacist license need not comply with the continuing education requirements of chapter 246-861 WAC."

However, the commission recently updated and consolidated all rules under its authority into one new chapter (chapter 246-945 WAC). In this rewrite process, WAC 246-863-080 and the retired active pharmacist license was removed, effective July 1, 2020, as the retired active pharmacist status at the time did not allow for the practice of pharmacy in any capacity and was deemed unnecessary.

The novel coronavirus COVID-19 pandemic illustrated the need for additional qualified and licensed personnel in intermittent and emergency settings, and the commission chose to reinstate the retired active pharmacist license status. However, the interaction between the old rule language and Proclamation 20-32 prompted the commission to approve new rule language to both accommodate the proclamation language and reestablish the retired active pharmacist licensing requirements.

In order to allow retired pharmacists to assist with the COVID-19 response with pharmacy services such as vaccine administration while permanent rule making was ongoing, the commission adopted an emergency rule on February 1, 2021, under WSR 21-04-116, creating a retired active pharmacy license status in the new chapter. Permanent rules are necessary to keep the retired active pharmacist license status in place.

This rule differs from the emergency rules in that it includes updated references to license application fees, license renewal fees, and the license renewal period in rule. The rule language also adds a reference to continuing education requirements for licensees.

Governor Inslee rescinded Proclamation 20-32 on October 27, 2022. Since that date, holders of the retired active pharmacist license must comply with continuing education requirements associated with the license status. However, this permanent rule will continue to provide guidance for prospective and current licensees should another state of emergency be declared in the future.

Citation of Rules Affected by this Order: New WAC 246-945-171.

Statutory Authority for Adoption: RCW 18.64.005, 18.64.205.

Adopted under notice filed as WSR 22-20-101 on October 4, 2022.

A final cost-benefit analysis is available by contacting Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2987, fax 360-236-2901, TTY 711, email PharmacyRules@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, 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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, 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: March 8, 2023.

Teri Ferreira, RPh
Chair

OTS-2798.4

NEW SECTION

WAC 246-945-171 Retired active pharmacist license status. (1) A pharmacist may apply for a retired active pharmacist license status if they:

(a) Hold an active pharmacist license issued by the commission under chapter 18.64 RCW that is in good standing;

(b) Submit an application on a form provided by the commission; and

(c) Pay the retired credential status application fee as specified in WAC 246-945-990.

(2) A pharmacist with a retired active pharmacist license status shall practice only in emergent or intermittent circumstances.

(a) "Emergent" includes, but is not limited to, earthquakes, floods, times of declared war or other states of emergency.

(b) "Intermittent" means no more than a total of ninety days each year in Washington state.

(3) A pharmacist with a retired active pharmacist license status must meet the continuing education requirements in WAC 246-945-178.

(4) A pharmacist with a retired active pharmacist license status must renew their license every two years in compliance with WAC 246-12-130 and pay the retired active credential status renewal fee set in WAC 246-945-990.

(5) A pharmacist with a retired active pharmacist license status must meet the requirements in WAC 246-12-140 to return their license to active status and pay the active renewal fee set in WAC 246-945-990.

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