

HOUSE BILL REPORT

SSB 5252

As Reported by House Committee On:
Human Services

Title: An act relating to correctional facility policies regarding medication management.

Brief Description: Addressing correctional facility policies regarding medication management.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove and Shin).

Brief History:

Committee Activity:

Human Services: 3/18/09, 3/25/09 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House)**

- Requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to convene a jail medication management workgroup to develop a model policy regarding the management of medications in jails; a final model policy shall be presented to the WASPC for adoption or rejection by December 31, 2009; any minority position related to the substance of the final policy shall be included as an addendum to the policy.
- Provides that the State Board of Pharmacy will have no authority to regulate or establish standards regarding a jail that does not operate, in whole or part, a pharmacy.
- Allows non-medical jail staff to deliver or administer medications for inmates in their custody if certain conditions are met, including training, and adds new definitions to the County and Jails Act, 70.48 RCW.
- Requires the Department of Health to annually review the medication practices of five jails which provide for the delivery and administration of medications to inmates pursuant to this act.

HOUSE COMMITTEE ON HUMAN SERVICES

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

Majority Report: Do pass as amended. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

Background:

Washington has 57 jails throughout its counties and cities. Most of those jails do not have in-house pharmacies. The State Board of Pharmacy (Board) has the power to regulate the practice of pharmacy and to establish qualifications for licensure of pharmacists or pharmacy interns. The ability of non-medical jail personnel to distribute or administer medication, including over-the-counter medication, is limited.

Summary of Amended Bill:

Work Group.

Washington Association of Sheriffs and Police Chiefs (WASPC) shall convene a jail medication management workgroup to develop a model policy regarding the management of medications in jails. Management issues to be addressed will include, among others:

- the delivery of pharmaceutical services;
- the delivery and administering of medications;
- qualifications and training of jail personnel;
- maintenance of medication storage and delivery systems; and
- preventing unauthorized use of medications by anyone other than the intended patient.

The workgroup shall address medication management for jails that do not have an on-site pharmacy and do not operate a pharmacy. The workgroup will include the Washington State Pharmacy Association, the Washington State Board of Pharmacy (Board), the Department of Health (DOH), and members of the nursing community. The workgroup shall present a final model policy to the WASPC for adoption or rejection by December 31, 2009, and any minority position related to the substance of the final policy shall be included as an addendum to the policy.

Washington State Board of Pharmacy.

A new section will be added to the statutory provisions regarding pharmacists. Under that section, the Board will have no authority to regulate or establish standards regarding a jail that does not operate, in whole or part, a pharmacy.

County and Jails Act.

New definitions are added to the County and Jails Act regarding administering and delivering medication to inmates by non-medical jail staff. Jails would be permitted to deliver or

administer medications and medical assistance for inmates in their custody if they meet certain conditions, including the requirements that jail administrators:

- enter into an agreement with a licensed pharmacist, pharmacy, or other licensed practitioner or health care facility to provide access to pharmaceutical services 24 hours per day;
- adopt policies which address the designation and training of non-medical jail personnel who may deliver or administer medications or provide medical assistance; and
- consult with one or more pharmacists or licensed physicians in developing its policies.

If no funding is provided for the workgroup specified in section 1 of the bill, that section will become null and void.

Review of Jails.

The DOH must annually review the medication practices of five jails which provide for the delivery and administration of medications to inmates pursuant to this act. The review shall assess whether the jails are in compliance with this act. Where there is noncompliance, the DOH must provide technical assistance in resolving any areas of noncompliance.

Amended Bill Compared to Original Bill:

The work group developing the model policy must include as its participating members, rather than just as consultants, representatives of the pharmaceutical community, the Washington State Pharmacy Association, the Board, the DOH, and representatives from the nursing community, including the Washington State Nurses Association. Any minority position related to the substance of the final policy shall be included as an addendum to the model policy. For jails which provide for the delivery or administration of medications, the jail administrator, in addition to providing training regarding procedures, must monitor compliance with those procedures. The DOH must annually review the medication practices of five jails which provide for the delivery and administration of medications to inmates. The review shall assess whether the jails are in compliance with the model policy and the DOH shall provide technical assistance in resolving any areas where there is noncompliance.

The jail administrator or chief law enforcement executive must consult with, rather than merely seek input from, one or more pharmacists, licensed physicians, or nurses in the course of developing policies regarding medication management.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, section 1 is null and void unless specifically funded in the budget.

Staff Summary of Public Testimony:

(In support) For smaller counties, having pharmacists come into the jail is not workable. There are two problems that this bill is trying to solve. The first has to do with the relationship between the Board and the jails. The Board decided to streamline their administrative rules and considered examining the medication management procedures of jails that did not operate pharmacies. The Board is not the correct body to oversee these jails. The model policy to be developed is designed to look at, strengthen, and improve current guidelines. Sometimes jail staff administer over-the-counter medication to persons in custody. Under current law this is not allowed, and this bill would provide a needed modification of the state statute.

(Information only) Allowing the delivery or administration of medications in this bill is based on the school model, which is already in place, and we can be comfortable with this bill.

(Opposed) None.

Persons Testifying: (In support) Senator Brandland, prime sponsor; Jo Arlow, Washington Association of Sheriffs and Police Chiefs; and Penny Bartley, Renton Police–Jail.

(Information only) Brian Peyton, Department of Health.

Persons Signed In To Testify But Not Testifying: None.