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**SENATE BILL 6558**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Parlette and Cleveland

AN ACT Relating to allowing a hospital pharmacy license to include individual practitioner offices and multipracitioner clinics owned and operated by a hospital and ensuring such offices and clinics are inspected according to the level of service provided; amending RCW 18.64.043; adding a new section to chapter 18.64 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 18.64 RCW to read as follows:

The intent of this legislation is to make clear the legislature's directive to the commission and department to allow hospital pharmacy licenses to include individual practitioner offices and multipractitioner clinics owned and operated by a hospital and that such offices and clinics are regulated, inspected, and investigated according to the level of service provided. While legislation providing for such a system was enacted in 2015, it has yet to be implemented. This delay has resulted in confusion about how hospitals are to ensure pharmacies are appropriately licensed and available to serve patients and the community. The legislature wishes to make its direction clear to the parties involved, including the commission, the department of health, and hospitals, and to underscore the urgency of the changes directed by this legislation.

**Sec.**  RCW 18.64.043 and 2015 c 234 s 4 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve, for the period ending on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2)(a) For a hospital licensed under chapter 70.41 RCW, the license of location provided under this section may include any individual practitioner's office or multipractitioner clinic owned and operated by a hospital, and identified by the hospital on the pharmacy application or renewal. ((~~A hospital that elects to include one or more offices or clinics under this subsection on its pharmacy application must maintain the office or clinic under its pharmacy license through at least one pharmacy inspection or twenty-four months. However, the department may, in its discretion, allow a change in licensure at an earlier time.~~)) The definition of "hospital" under RCW 70.41.020 to exclude "clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more," does not limit the ability of a hospital to include individual practitioner's offices or multipractitioner clinics owned and operated by a hospital on the pharmacy application or renewal or otherwise prevent the implementation of this act. A hospital that elects to include one or more offices or clinics under this subsection on its hospital pharmacy application shall describe the type of services relevant to the practice of pharmacy provided at each such office or clinic as requested by the department. Any updates to the application, renewal, or related forms that are necessary to accomplish the provision of this licensure option must be made no later than thirty days after the effective date of this section.

(b) This chapter must be interpreted in a manner that supports regulatory, inspection, and investigation standards that are reasonable and appropriate based on the level of risk and the type of services provided in a pharmacy, including pharmacy services provided in a hospital and pharmacy services provided in an individual practitioner office or multipractitioner clinic owned and operated by a hospital regardless of the office or clinic's physical address. The department and commission shall provide clear and specific information regarding the standards to which particular pharmacy services will be held, as appropriate, based on the type of pharmacy service provided at a particular location.

(c) The secretary may adopt rules to establish an additional reasonable fee for any such office or clinic.

((~~(2)~~)) (3) It shall be the duty of the owner to immediately notify the department of any change of location ((~~or~~)), ownership, or licensure and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

((~~(3)~~)) (4) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

((~~(4)~~)) (5) In the event such license fee remains unpaid on the date due, no renewal or new license shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

(6) If the department determines that rules are necessary for the immediate implementation of the inspection standards described in this section, it must adopt rules under the expedited rule-making process in RCW 34.05.353, with such emergency rules effective not later than thirty days after the effective date of this section. The department shall then begin the process to adopt any necessary permanent rules in accordance with chapter 34.05 RCW. The department shall ensure that during the transition to the permanent rules adopted under this section, an emergency rule remains in effect without a break between the original emergency rule and any subsequent emergency rules that may be necessary. The department shall ensure that during the transition to permanent rules there is no interruption in provision of the licensure option described under this section.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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