

# HOUSE BILL REPORT

## SSB 5268

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**As Passed House:**  
April 13, 2015

**Title:** An act relating to refilling eye drop prescriptions.

**Brief Description:** Concerning refilling eye drop prescriptions.

**Sponsors:** Senate Committee on Health Care (originally sponsored by Senators Parlette, Kohl-Welles, Hatfield, Angel and Fraser).

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 3/13/15, 3/17/15 [DP].

**Floor Activity:**

Passed House: 4/13/15, 97-0.

**Brief Summary of Substitute Bill**

- Permits a pharmacist to provide an early refill of a topical ophthalmic product under certain circumstances.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 15 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

**Staff:** Alexa Silver (786-7190).

**Background:**

Ophthalmologists are physicians who specialize in eye and vision care. Ophthalmic products that an ophthalmologist may prescribe for an eye disease or injury include eye drops and ointments.

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*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.*

It is unlawful to possess, deliver, or dispense a legend drug or controlled substance except pursuant to an order or prescription issued by a licensed health care provider with prescriptive authority. To "dispense" is to interpret a prescription or order and make the proper selection, measuring, compounding, labeling, or packaging necessary to prepare the prescription or order for delivery.

Only a licensed pharmacist may practice pharmacy, which includes: interpreting prescriptions; compounding, dispensing, labeling, administering, and distributing drugs and devices; monitoring drug therapy and use; initiating or modifying drug therapy in accordance with written guidelines approved by a prescriber; participating in drug utilization review and drug product selection; proper and safe storage and distribution of drugs and devices and maintaining proper records; and providing information on legend drugs.

**Summary of Bill:**

A pharmacist may provide one early refill of a prescription for a topical ophthalmic product without consulting a physician or obtaining a new prescription or refill from a physician if:

- the refill is requested by a patient at or after 70 percent of the predicted days of use of the date that either the original prescription or the last refill was dispensed;
- the prescriber indicates on the original prescription that a specific number of refills will be needed; and
- the refill does not exceed the number of refills that the prescriber indicated would be needed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill provides patients the ability to obtain early refills for topical medications. Bottles of eye drops come with the number of drops needed for the month, but patients have a hard time getting drops in the eye. One study has shown that almost 20 percent of patients are unable to put drops in their own eyes. Glaucoma is the leading cause of blindness in African-American men. Skipping eye drops causes temporary spikes in pressure, which are as damaging to the optic nerve as not taking the drops at all. One in four patients runs out of their eye drops at least a week early, and they have worse vision than those who do not run out. Patients may be unable to pay market price for another bottle. This approach has been used somewhat successfully in other states.

(With concerns) Health carriers currently have policies in place that allow for an early refill of all kinds of pharmaceutical products because patients may drop, lose, or spill their medications.

(Opposed) None.

**Persons Testifying:** (In support) Rachel Reinhardt, Washington Academy of Eye Physicians and Surgeons; and Dave Arbaugh, Allergan.

(With concerns) Sydney Smith Zvana, Association of Washington Healthcare Plans.

**Persons Signed In To Testify But Not Testifying:** None.