

WSR 21-04-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)
[Filed January 27, 2021, 2:03 p.m.]

Subject of Possible Rule Making: Chapter 246-945 WAC, Pharmacy quality assurance commission (commission). The commission and the department of health (department), filing jointly, are considering adopting a new section of rule creating criteria for a waiver for the electronic prescribing mandate as required by SSB 5380 (section 16, chapter 314, Laws of 2019). This filing will supersede a previous filing on this topic under WSR 20-03-020, filed on January 6, 2020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5380 (section 16, chapter 314, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be necessary to allow for a waiver from compliance with the direction given by the legislature in SSB 5380, which mandates all controlled substances be electronically communicated to pharmacies beginning January 1, 2021. The bill directed the department of health (department) to develop a waiver process which a practitioner can use if they have an economic hardship, technological limitation, or other exceptional circumstance that prevents them [from] complying with the mandate.

The commission and the department will consider rules that will accomplish the legislative directive by providing practitioners with the necessary criteria to request a waiver from the electronic prescribing mandate using the department's process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington medical commission, nursing care quality assurance commission, as well as the board of osteopathic medicine and surgery, dental quality assurance commission, podiatric medical board, board of optometry, and the board of naturopathy.

Commission and department staff will work with the program managers of these boards and commissions to ensure that their members and stakeholders are able to participate in the discussion and kept apprised of the rules.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cori Tarzwell, P.O. Box 47990, Olympia, WA 98504, phone 360-236-4981, fax 360-236-2321, TTY 711, email cori.tarzwell@doh.wa.gov; or Lindsay Trant, P.O. Box 47990, Olympia, WA 98504, phone 360-236-2932, fax 360-236-2321, TTY 360-833-6388 or 711, email lindsay.trant@doh.wa.gov.

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January 27, 2021
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