

WSR 21-06-097

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed March 2, 2021, 1:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-11-040.

Title of Rule and Other Identifying Information: WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP).

Hearing Location(s): On April 6, 2021, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the agency will not provide a physical location for this hearing. This promotes social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead.

To attend the virtual public hearing, you must register at the following link <https://attendee.gotowebinar.com/register/1443618498460852747>, Webinar ID 560-087-099. After registering, you will receive a confirmation email containing the information about joining the webinar.

Date of Intended Adoption: Not sooner than April 7, 2021.

Submit Written Comments to: Health Care Authority (HCA), Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by April 6, 2021.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email amber.lougheed@hca.wa.gov, by March 19, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is establishing rules regarding prescriber and pharmacist use of the qualified prescription drug monitoring program, as required by Section 5042 of the SUPPORT for Patients and Communities Act (Public Law 115-271), prior to prescribing or dispensing scheduled drugs.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is necessary because of federal law, Public Law 115-271, Section 5042.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1408; Implementation and Enforcement: Amy Irwin, P.O. Box 45502, Olympia, WA 98504-5502, 360-725-1673.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: Public Law 115-271, Section

5042; this rule making is required to maintain the agency's federal funding.

March 2, 2021
Wendy Barcus
Rules Coordinator

OTS-2794.2

NEW SECTION

WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers and pharmacists must take to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC, prior to prescribing a controlled substance or dispensing a controlled substance from an outpatient pharmacy.

(1) **PMP review required.** Except as identified in subsection (4) of this section, a prescriber or pharmacist must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health, before prescribing or dispensing a controlled substance.

(2) **Retrieval by delegates allowed.** A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or dispensing a controlled substance.

(3) **Documentation.** The prescriber or pharmacist must document in the client's record the date and time of the:

- (a) Retrieval of information from the PMP; and
- (b) Review of information from the PMP.

(4) **Good faith effort exception.**

(a) A prescriber, pharmacist, or their delegate must make a good faith effort to review a client's prescription drug history in the PMP.

(b) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record.

(c) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.

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