

WSR 22-20-101

PROPOSED RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed October 4, 2022, 2:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-09-063.

Title of Rule and Other Identifying Information: New WAC 246-945-171 Retired active pharmacist license status. The pharmacy quality assurance commission (commission) is proposing adding a new section in chapter 246-945 WAC to allow retired pharmacists to apply for a retired active pharmacist license status and practice pharmacy under certain conditions.

Hearing Location(s): On November 17, 2022, at 10:30 a.m. The commission will provide a virtual and a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state.

Physical location: Capital Region ESD 113, 6005 Tye Drive S.W., Lewis Room, Tumwater, WA 98512.

Virtual: Please download and import the following iCalendar (.ics) files to your calendar system. Daily: <https://us02web.zoom.us/webinar/tZISdu2hqzMuHNJh1lH4KKYkCjwBU5J0e2Ps/ics?icsToken=98tyKuGurzouE9GdtB-BRpwABYj4LPPwmFxbgo13lBPpK3R4Str9FehVEIcqOojV>; Topic: PQAC Business Meeting 2022.

To access the meeting on November 17 at 9 a.m., go to <https://zoom.us/join> or <https://us02web.zoom.us/j/86114958466> and use the Webinar ID 861 1495 8466. Other access options include one-tap mobile US +12532158782,,86114958466# or +16699009128,,86114958466#; or telephone, dial (for higher quality, dial a number based on your current location) US +1 253 215 8782 or +1 669 900 9128 or +1 346 248 7799 or +1 669 444 9171 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 312 626 6799, Webinar ID 861 1495 8466. International numbers available <https://us02web.zoom.us/u/kdLNo6unOZ>.

Date of Intended Adoption: November 17, 2022.

Submit Written Comments to: Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by November 3, 2022.

Assistance for Persons with Disabilities: Contact Joshua Munroe, phone 360-236-2987, fax 360-236-2901, TTY 711, email PharmacyRules@doh.wa.gov, by November 10, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On March 26, 2020, Governor Inslee signed Proclamation 20-32 to help increase the number of health care workers available to meet the needs of patients during the coronavirus disease 2019 (COVID-19) pandemic. This proclamation included a provision that allows a pharmacist with a retired active pharmacist license status to practice pharmacy. Specifically, the proclamation waived "shall not be authorized to practice pharmacy and" from WAC 246-863-080(2) Retired pharmacist license. In other words, the proclamation amended WAC 246-863-080(2) to read: "The holder of a retired pharmacist license ... need not comply with the continuing education requirements of chapter 246-861 WAC."

However, the commission recently updated and consolidated all rules under its authority into one new chapter (chapter 246-945 WAC).

In this rewrite process, WAC 246-863-080 and the retired active pharmacist license was removed, effective July 1, 2020, as the retired active pharmacist status at the time did not allow for the practice of pharmacy in any capacity and was deemed unnecessary.

The COVID-19 pandemic illustrated the need for additional qualified and licensed personnel in intermittent and emergency settings, and the commission chose to reinstate the retired active pharmacist license status. However, the interaction between the old rule language and Proclamation 20-32 prompted the commission to approve new rule language to both accommodate the proclamation language and update the retired active pharmacist licensing requirements and fees.

In order to allow retired pharmacists to assist with the COVID-19 response with pharmacy services such as vaccine administration while permanent rule making was ongoing, the commission adopted an emergency rule on February 1, 2021, under WSR 21-04-116, temporarily creating a retired active pharmacy license status in the new chapter. This emergency rule has been continuously adopted to retain the licensure statutes until permanent rules could be adopted. Permanent rules are required to keep the retired active pharmacist license status in place. The proposed rule differs from the emergency rules in that it includes updated references to license application fees, license renewal fees, and the license renewal period in rule. The proposed language also adds a reference to continuing education requirements for licensees.

Governor Inslee announced on July 29, 2022, that multiple proclamations will be rescinded on October 27, 2022, including Proclamation 20-32. However, should relevant proclamations be rescinded or the state of emergency end, this permanent rule will continue to provide guidance for prospective and current licensees should another state of emergency be declared in the future.

Reasons Supporting Proposal: Additional qualified, experienced, and licensed personnel is needed to address public health needs during the state of emergency declared under Governor Inslee's Proclamation 20-05. The retired active pharmacist license status created under proposed WAC 246-945-171 will help make more health care providers available during other states of emergency.

Statutory Authority for Adoption: RCW 16.64.005, 18.64.205.

Statute Being Implemented: RCW 18.64.205.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Pharmacy quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Joshua Munroe, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2987.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2987, fax 360-236-2901, TTY 711, email PharmacyRules@doh.wa.gov.

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

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

October 4, 2022

OTS-2798.4

NEW SECTION

WAC 246-945-171 Retired active pharmacist license status. (1) A pharmacist may apply for a retired active pharmacist license status if they:

(a) Hold an active pharmacist license issued by the commission under chapter 18.64 RCW that is in good standing;

(b) Submit an application on a form provided by the commission; and

(c) Pay the retired credential status application fee as specified in WAC 246-945-990.

(2) A pharmacist with a retired active pharmacist license status shall practice only in emergent or intermittent circumstances.

(a) "Emergent" includes, but is not limited to, earthquakes, floods, times of declared war or other states of emergency.

(b) "Intermittent" means no more than a total of ninety days each year in Washington state.

(3) A pharmacist with a retired active pharmacist license status must meet the continuing education requirements in WAC 246-945-178.

(4) A pharmacist with a retired active pharmacist license status must renew their license every two years in compliance with WAC 246-12-130 and pay the retired active credential status renewal fee set in WAC 246-945-990.

(5) A pharmacist with a retired active pharmacist license status must meet the requirements in WAC 246-12-140 to return their license to active status and pay the active renewal fee set in WAC 246-945-990.

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