

WSR 24-24-024

PERMANENT RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed November 22, 2024, 4:12 p.m., effective December 23, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Prescription transfer requirements; the pharmacy quality assurance commission (commission) is adopting amendments to WAC 246-945-345 and new WAC 246-945-346 in chapter 246-945 WAC to establish the expectations of pharmacies related to noncontrolled and controlled substance prescription transfers upon patient request.

Citation of Rules Affected by this Order: New WAC 246-945-346; and amending WAC 246-945-345.

Statutory Authority for Adoption: RCW 18.64.005, 69.41.075, and 69.50.301.

Adopted under notice filed as WSR 24-17-002 on August 8, 2024.

A final cost-benefit analysis is available by contacting Julia Katz, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-502-5058, fax 360-236-2260, TTY 711, email PharmacyRules@doh.wa.gov, website https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/pharmacy-commission.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 1, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: November 20, 2024.

Hawkins DeFrance, PharmD, Chair
Pharmacy Quality Assurance Commission

OTS-5466.1

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-345 Noncontrolled prescription transfers. (1)

~~((Subsections (2) through (5) of this section apply to the transfer of prescription information for noncontrolled drugs. The transfer of controlled substance prescription information must conform to the requirements of 21 C.F.R. Sec. 1306.25.~~

~~(2))~~ Upon request by a patient (~~request~~) or an authorized representative of a patient, a noncontrolled prescription (~~may~~) shall be transferred within the limits of state and federal law.

(2) Pharmacies shall transfer noncontrolled prescription information within three business days of receiving the request or within a time frame that does not adversely impact the provision of medication therapy, whichever comes first.

(3) Sufficient information needs to be exchanged in the transfer of a noncontrolled prescription to maintain an auditable trail, and all elements of a valid prescription.

(4) Pharmacies sharing a secure real-time database are not required to transfer noncontrolled prescription information for dispensing.

(5) Noncontrolled prescriptions must be transferred by electronic means or facsimile, except in emergent situations.

NEW SECTION

WAC 246-945-346 Controlled substance prescription transfers.

(1) Upon request by a patient or an authorized representative of the patient, a controlled substance prescription shall be transferred within the limits of state and federal law including, but not limited to, the requirements of 21 C.F.R. Secs. 1306.08 and 1306.25.

(2) Pharmacies shall transfer controlled substance prescription information within three business days of receiving the request or within a time frame that does not adversely impact the provision of medication therapy, whichever comes first.