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HOUSE BILL 1424

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Skinner and Murray

Read first time 01/27/97. Referred to Committee on Health Care.

1            AN ACT Relating to kidney dialysis centers; and amending RCW  
2 18.64.011.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 18.64.011 and 1995 c 319 s 2 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, definitions of terms  
7 shall be as indicated when used in this chapter.

8            (1) "Person" means an individual, corporation, government,  
9 governmental subdivision or agency, business trust, estate, trust,  
10 partnership or association, or any other legal entity.

11            (2) "Board" means the Washington state board of pharmacy.

12            (3) "Drugs" means:

13            (a) Articles recognized in the official United States pharmacopoeia  
14 or the official homeopathic pharmacopoeia of the United States;

15            (b) Substances intended for use in the diagnosis, cure, mitigation,  
16 treatment, or prevention of disease in man or other animals;

17            (c) Substances (other than food) intended to affect the structure  
18 or any function of the body of man or other animals; or

1 (d) Substances intended for use as a component of any substances  
2 specified in (a), (b), or (c) of this subsection, but not including  
3 devices or their component parts or accessories.

4 (4) "Device" means instruments, apparatus, and contrivances,  
5 including their components, parts, and accessories, intended (a) for  
6 use in the diagnosis, cure, mitigation, treatment, or prevention of  
7 disease in man or other animals, or (b) to affect the structure or any  
8 function of the body of man or other animals.

9 (5) "Nonlegend" or "nonprescription" drugs means any drugs which  
10 may be lawfully sold without a prescription.

11 (6) "Legend drugs" means any drugs which are required by any  
12 applicable federal or state law or regulation to be dispensed on  
13 prescription only or are restricted to use by practitioners only.

14 (7) "Controlled substance" means a drug or substance, or an  
15 immediate precursor of such drug or substance, so designated under or  
16 pursuant to the provisions of chapter 69.50 RCW.

17 (8) "Prescription" means an order for drugs or devices issued by a  
18 practitioner duly authorized by law or rule in the state of Washington  
19 to prescribe drugs or devices in the course of his or her professional  
20 practice for a legitimate medical purpose.

21 (9) "Practitioner" means a physician, dentist, veterinarian, nurse,  
22 or other person duly authorized by law or rule in the state of  
23 Washington to prescribe drugs.

24 (10) "Pharmacist" means a person duly licensed by the Washington  
25 state board of pharmacy to engage in the practice of pharmacy.

26 (11) "Practice of pharmacy" includes the practice of and  
27 responsibility for: Interpreting prescription orders; the compounding,  
28 dispensing, labeling, administering, and distributing of drugs and  
29 devices; the monitoring of drug therapy and use; the initiating or  
30 modifying of drug therapy in accordance with written guidelines or  
31 protocols previously established and approved for his or her practice  
32 by a practitioner authorized to prescribe drugs; the participating in  
33 drug utilization reviews and drug product selection; the proper and  
34 safe storing and distributing of drugs and devices and maintenance of  
35 proper records thereof; the providing of information on legend drugs  
36 which may include, but is not limited to, the advising of therapeutic  
37 values, hazards, and the uses of drugs and devices.

38 (12) "Pharmacy" means every place properly licensed by the board of  
39 pharmacy where the practice of pharmacy is conducted.

1 (13) The words "drug" and "devices" shall not include surgical or  
2 dental instruments or laboratory materials, gas and oxygen, therapy  
3 equipment, X-ray apparatus or therapeutic equipment, their component  
4 parts or accessories, or equipment, instruments, apparatus, or  
5 contrivances used to render such articles effective in medical,  
6 surgical, or dental treatment, or for use or consumption in or for  
7 mechanical, industrial, manufacturing, or scientific applications or  
8 purposes, nor shall the word "drug" include any article or mixture  
9 covered by the Washington pesticide control act (chapter 15.58 RCW), as  
10 enacted or hereafter amended, nor medicated feed intended for and used  
11 exclusively as a feed for animals other than man.

12 (14) The word "poison" shall not include any article or mixture  
13 covered by the Washington pesticide control act (chapter 15.58 RCW), as  
14 enacted or hereafter amended.

15 (15) "Deliver" or "delivery" means the actual, constructive, or  
16 attempted transfer from one person to another of a drug or device,  
17 whether or not there is an agency relationship.

18 (16) "Dispense" means the interpretation of a prescription or order  
19 for a drug, biological, or device and, pursuant to that prescription or  
20 order, the proper selection, measuring, compounding, labeling, or  
21 packaging necessary to prepare that prescription or order for delivery.

22 (17) "Distribute" means the delivery of a drug or device other than  
23 by administering or dispensing.

24 (18) "Compounding" shall be the act of combining two or more  
25 ingredients in the preparation of a prescription.

26 (19) "Wholesaler" shall mean a corporation, individual, or other  
27 entity which buys drugs or devices for resale and distribution to  
28 corporations, individuals, or entities other than consumers.

29 (20) "Manufacture" means the production, preparation, propagation,  
30 compounding, or processing of a drug or other substance or device or  
31 the packaging or repackaging of such substance or device, or the  
32 labeling or relabeling of the commercial container of such substance or  
33 device, but does not include the activities of a practitioner who, as  
34 an incident to his or her administration or dispensing such substance  
35 or device in the course of his or her professional practice, prepares,  
36 compounds, packages, or labels such substance or device.

37 (21) "Manufacturer" shall mean a person, corporation, or other  
38 entity engaged in the manufacture of drugs or devices.

1 (22) "Labeling" shall mean the process of preparing and affixing a  
2 label to any drug or device container. The label must include all  
3 information required by current federal and state law and pharmacy  
4 rules.

5 (23) "Administer" means the direct application of a drug or device,  
6 whether by injection, inhalation, ingestion, or any other means, to the  
7 body of a patient or research subject.

8 (24) "Master license system" means the mechanism established by  
9 chapter 19.02 RCW by which master licenses, endorsed for individual  
10 state-issued licenses, are issued and renewed utilizing a master  
11 application and a master license expiration date common to each  
12 renewable license endorsement.

13 (25) "Department" means the department of health.

14 (26) "Secretary" means the secretary of health or the secretary's  
15 designee.

16 (27) "Health care entity" means an organization that provides  
17 health care services in a setting that is not otherwise licensed by the  
18 state. Health care entity includes a free-standing outpatient surgery  
19 center((~~7~~)) or a free-standing cardiac care center(~~(~~7~~—or—a kidney~~  
20 ~~dialysis center~~)). It does not include an individual practitioner's  
21 office or a multipractitioner clinic.

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