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HOUSE BILL 1768

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Dyer, Zellinsky, Sheldon and L. Thomas

Read first time 02/07/97. Referred to Committee on Health Care.

1            AN ACT Relating to pharmacy ancillary personnel; amending RCW  
2 18.64A.010, 18.64A.020, 18.64A.030, 18.64A.040, 18.64A.050, 18.64A.060,  
3 18.64A.070, and 18.64A.080; and adding a new section to chapter 18.64A  
4 RCW.

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

6            **Sec. 1.** RCW 18.64A.010 and 1989 1st ex.s. c 9 s 422 are each  
7 amended to read as follows:

8            Terms used in this chapter shall have the meaning set forth in this  
9 section unless the context clearly indicates otherwise:

- 10            (1) "Board" means the state board of pharmacy;
- 11            (2) "Department" means the department of health;
- 12            (3) "Pharmacist" means a person duly licensed by the state board of  
13 pharmacy to engage in the practice of pharmacy;
- 14            (4) "Pharmacy" means every place properly licensed by the board of  
15 pharmacy where the practice of pharmacy is conducted;
- 16            (5) "Pharmacy ancillary personnel" means pharmacy technicians,  
17 pharmacy assistants, and any other personnel identified by the board;
- 18            (6) "Pharmacy ((assistant level A)) technician" means:

1 (a) A person who is enrolled in, or who has satisfactorily  
2 completed, a board approved training program designed to prepare  
3 persons to perform nondiscretionary functions associated with the  
4 practice of pharmacy; or

5 (b) A person who is a graduate with a degree in pharmacy or  
6 medicine of a foreign school, university, or college recognized by the  
7 board;

8 ~~((6))~~ (7) "Pharmacy assistant ~~((level-B))~~" means a person  
9 ~~((certified))~~ registered by the board to perform limited functions in  
10 the pharmacy;

11 ~~((7))~~ (8) "Practice of pharmacy" means the definition given in  
12 RCW 18.64.011~~((, as now or hereafter amended))~~;

13 ~~((8))~~ (9) "Provision of pharmaceutical care" means that the  
14 pharmacist monitors patients' drug therapy, modifies drug therapy as  
15 necessary, documents the results, and assumes responsibility for the  
16 results;

17 (10) "Secretary" means the secretary of health or the secretary's  
18 designee.

19 **Sec. 2.** RCW 18.64A.020 and 1995 c 198 s 8 are each amended to read  
20 as follows:

21 (1) The board shall adopt, in accordance with chapter 34.05 RCW,  
22 rules fixing the classification and qualifications and the educational  
23 and training requirements for persons who may be employed as pharmacy  
24 ~~((assistants))~~ technicians or who may be enrolled in any pharmacy  
25 ~~((assistant))~~ technician training program. Such rules shall provide  
26 that:

27 (a) Licensed pharmacists shall supervise the training of pharmacy  
28 ~~((assistants))~~ technicians; and

29 (b) Training programs shall assure the competence of pharmacy  
30 ~~((assistants))~~ technicians to aid and assist pharmacy operations.  
31 Training programs shall consist of instruction and/or practical  
32 training.

33 Such rules may include successful completion of examinations for  
34 applicants for pharmacy ~~((assistant))~~ technician certificates. If such  
35 examination rules are adopted, the board shall prepare or determine the  
36 nature of, and supervise the grading of the examinations. The board  
37 may approve an examination prepared or administered by a private  
38 testing agency or association of licensing authorities.

1 (2) The board may disapprove or revoke approval of any training  
2 program for failure to conform to board rules. In the case of the  
3 disapproval or revocation of approval of a training program by the  
4 board, a hearing shall be conducted in accordance with RCW 18.64.160,  
5 and appeal may be taken in accordance with the Administrative Procedure  
6 Act, chapter 34.05 RCW.

7 **Sec. 3.** RCW 18.64A.030 and 1996 c 191 s 50 are each amended to  
8 read as follows:

9 The board shall adopt, in accordance with chapter 34.05 RCW, rules  
10 ~~((and regulations))~~ governing the extent to which pharmacy  
11 ~~((assistants))~~ ancillary personnel may perform services associated with  
12 the practice of pharmacy ~~((during training and after successful~~  
13 ~~completion of a training course. Such regulations)).~~ These rules  
14 shall provide for the certification of pharmacy ~~((assistants))~~  
15 technicians by the department at a fee determined by the secretary  
16 under RCW 43.70.250 ~~((and 43.70.280 according to the following levels~~  
17 ~~of classification:~~

18 ~~(1) "Level A pharmacy assistants" may assist in performing, under~~  
19 ~~the immediate supervision and control of a licensed pharmacist,~~  
20 ~~manipulative, nondiscretionary functions associated with the practice~~  
21 ~~of pharmacy.~~

22 ~~(2) "Level B pharmacy assistants" may perform, under the general~~  
23 ~~supervision of a licensed pharmacist, duties including but not limited~~  
24 ~~to, typing of prescription labels, filing, refiling, bookkeeping,~~  
25 ~~pricing, stocking, delivery, nonprofessional phone inquiries, and~~  
26 ~~documentation of third party reimbursements)).~~

27 **Sec. 4.** RCW 18.64A.040 and 1992 c 40 s 1 are each amended to read  
28 as follows:

29 ~~((1) A pharmacy assistant))~~ Pharmacy ancillary personnel shall  
30 practice pharmacy in this state only after authorization by the board  
31 and only to the extent permitted by the board in accordance with this  
32 chapter.

33 ~~((2) A pharmacist shall be assisted by a pharmacy assistant in the~~  
34 ~~practice of pharmacy in this state only after authorization by the~~  
35 ~~board and only to the extent permitted by the board in accordance with~~  
36 ~~this chapter: PROVIDED, That no pharmacist may supervise more than one~~  
37 ~~person performing level A pharmacy assistant duties and functions:~~

1 ~~PROVIDED FURTHER, That in pharmacies operating in connection with~~  
2 ~~facilities licensed pursuant to chapter 70.41, 71.12, 71A.20, or 74.42~~  
3 ~~RCW, whether or not situated within the said facility which shall be~~  
4 ~~physically separated from any area of a pharmacy where dispensing of~~  
5 ~~prescriptions to the general public occurs, the ratio of pharmacists to~~  
6 ~~persons performing level A pharmacy assistant duties and functions~~  
7 ~~shall be as follows: In the preparation of medicine or other materials~~  
8 ~~used by patients within the facility, one pharmacist supervising no~~  
9 ~~more than three persons performing level A pharmacy assistant duties~~  
10 ~~and functions; in the preparation of medicine or other materials~~  
11 ~~dispensed to persons not patients within the facility, one pharmacist~~  
12 ~~supervising not more than one person performing level A pharmacy~~  
13 ~~assistant duties and functions.))~~

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.64A RCW  
15 to read as follows:

16 The board shall adopt rules governing the utilization of pharmacy  
17 ancillary personnel by pharmacies and pharmacists. The board shall  
18 establish a standard ratio for the number of pharmacy ancillary  
19 personnel that one pharmacist may supervise. Should a pharmacy desire  
20 to use more pharmacy ancillary personnel than the standard ratio, the  
21 pharmacy must submit to the board a pharmacy services plan for  
22 approval.

23 (1) The pharmacy services plan shall include, at a minimum, the  
24 following information: Pharmacy design and equipment, information  
25 systems, workflow, and quality assurance procedures. In addition, the  
26 pharmacy services plan shall demonstrate how it facilitates the  
27 provision of pharmaceutical care services by the pharmacy.

28 (2) Prior to approval of a pharmacy services plan, the board may  
29 require additional information to ensure appropriate oversight of  
30 pharmacy ancillary personnel.

31 (3) The board may give conditional approval for pilot or  
32 demonstration projects.

33 (4) Variance from the approved pharmacy services plan is grounds  
34 for disciplinary action under RCW 18.64A.050.

35 **Sec. 6.** RCW 18.64A.050 and 1993 c 367 s 15 are each amended to  
36 read as follows:

1 In addition to the grounds under RCW 18.130.170 and 18.130.180, the  
2 board of pharmacy may take disciplinary action against the certificate  
3 of any pharmacy ((assistant)) technician upon proof that:

4 (1) His or her certificate was procured through fraud,  
5 misrepresentation or deceit;

6 (2) He or she has been found guilty of any offense in violation of  
7 the laws of this state relating to drugs, poisons, cosmetics or drug  
8 sundries by any court of competent jurisdiction. Nothing herein shall  
9 be construed to affect or alter the provisions of RCW 9.96A.020;

10 (3) He or she has exhibited gross incompetency in the performance  
11 of his or her duties;

12 (4) He or she has willfully or repeatedly violated any of the rules  
13 and regulations of the board of pharmacy or of the department;

14 (5) He or she has willfully or repeatedly performed duties beyond  
15 the scope of his or her certificate in violation of the provisions of  
16 this chapter; or

17 (6) He or she has impersonated a licensed pharmacist.

18 **Sec. 7.** RCW 18.64A.060 and 1996 c 191 s 51 are each amended to  
19 read as follows:

20 No pharmacy licensed in this state shall utilize the services of  
21 pharmacy ((assistants)) ancillary personnel without approval of the  
22 board.

23 Any pharmacy licensed in this state may apply to the board for  
24 permission to use the services of pharmacy ((assistants)) ancillary  
25 personnel. The application shall be accompanied by a fee and shall  
26 comply with administrative procedures and administrative requirements  
27 set pursuant to RCW 43.70.250 and 43.70.280, shall detail the manner  
28 and extent to which the pharmacy ((assistants)) ancillary personnel  
29 would be used and supervised, and shall provide other information in  
30 such form as the secretary may require.

31 The board may approve or reject such applications. In addition,  
32 the board may modify the proposed utilization of pharmacy  
33 ((assistants)) ancillary personnel and approve the application as  
34 modified. Whenever it appears to the board that ((a)) pharmacy  
35 ((assistant-is)) ancillary personnel are being utilized in a manner  
36 inconsistent with the approval granted, the board may withdraw such  
37 approval. In the event a hearing is requested upon the rejection of an  
38 application, or upon the withdrawal of approval, a hearing shall be

1 conducted in accordance with chapter 18.64 RCW, as now or hereafter  
2 amended, and appeal may be taken in accordance with the Administrative  
3 Procedure Act, chapter 34.05 RCW.

4 **Sec. 8.** RCW 18.64A.070 and 1977 ex.s. c 101 s 7 are each amended  
5 to read as follows:

6 (1) Persons presently assisting a pharmacist by performing the  
7 functions of a pharmacy ((~~assistant~~)) technician may continue to do so  
8 under the supervision of a licensed pharmacist: PROVIDED, That within  
9 eighteen months after May 28, 1977, such persons shall be in compliance  
10 with the provisions of this chapter.

11 (2) Pharmacies presently employing persons to perform the functions  
12 of a pharmacy ((~~assistant~~)) technician may continue to do so while  
13 obtaining board approval for the use of certified pharmacy  
14 ((~~assistants~~)) technicians: PROVIDED, That within eighteen months  
15 after May 28, 1977, such pharmacies shall be in compliance with the  
16 provisions of this chapter.

17 **Sec. 9.** RCW 18.64A.080 and 1977 ex.s. c 101 s 8 are each amended  
18 to read as follows:

19 ((~~No~~)) A pharmacy or pharmacist which utilizes the services of  
20 ((~~a~~)) pharmacy ((~~assistant~~)) ancillary personnel with approval by the  
21 board, ((~~shall be considered as~~)) is not aiding and abetting an  
22 unlicensed person to practice pharmacy within the meaning of chapter  
23 18.64 RCW((~~, as now or hereafter amended~~)): PROVIDED, HOWEVER, That  
24 the pharmacy or pharmacist shall retain responsibility for any act  
25 performed by ((~~a~~)) pharmacy ((~~assistant~~)) ancillary personnel in the  
26 course of ((~~his or her~~)) employment.

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