
HOUSE BILL 2452

State of Washington

55th Legislature

1998 Regular Session

By Representatives Backlund, Cody, Parlette, Kastama, DeBolt, Dyer, Lambert, Koster, Sherstad, Benson and Anderson

Read first time . Referred to Committee on .

1 AN ACT Relating to defining medication assistance in community-
2 based settings; amending RCW 69.41.010; and adding a new section to
3 chapter 69.41 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.41 RCW
6 to read as follows:

7 Individuals residing in community-based settings, such as adult
8 family homes, boarding homes, and residential care settings for the
9 developmentally disabled, including an individual's home, might need
10 medication assistance due to physical or mental limitations that
11 prevent them from self-administering their legend drugs. The
12 practitioner in consultation with the individual or his or her
13 representative and the community-based setting, if involved, determines
14 that medication assistance is appropriate for this individual at the
15 time of prescribing the legend drug or controlled substance.
16 Medication assistance can take different forms such as opening
17 containers, handing the container or medication to the individual,
18 preparing the medication with prior authorization, using enablers for
19 facilitating the self-administration of medication, and other means of

1 assisting in the administration of legend drugs or controlled
2 substances commonly employed in community-based settings. Nothing in
3 this chapter affects the right of an individual to refuse medication or
4 requirements relating to informed consent.

5 **Sec. 2.** RCW 69.41.010 and 1996 c 178 s 16 are each amended to read
6 as follows:

7 As used in this chapter, the following terms have the meanings
8 indicated unless the context clearly requires otherwise:

9 (1) "Administer" means the direct application of a legend drug
10 whether by injection, inhalation, ingestion, or any other means, to the
11 body of a patient or research subject by:

12 (a) A practitioner; or

13 (b) The patient or research subject at the direction of the
14 practitioner.

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

18 (3) "Department" means the department of health.

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

23 (5) "Dispenser" means a practitioner who dispenses.

24 (6) "Distribute" means to deliver other than by administering or
25 dispensing a legend drug.

26 (7) "Distributor" means a person who distributes.

27 (8) "Drug" means:

28 (a) Substances recognized as drugs in the official United States
29 pharmacopoeia, official homeopathic pharmacopoeia of the United States,
30 or official national formulary, or any supplement to any of them;

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

33 (c) Substances (other than food, minerals or vitamins) intended to
34 affect the structure or any function of the body of man or animals; and

35 (d) Substances intended for use as a component of any article
36 specified in clause (a), (b), or (c) of this subsection. It does not
37 include devices or their components, parts, or accessories.

1 (9) "Legend drugs" means any drugs which are required by state law
2 or regulation of the state board of pharmacy to be dispensed on
3 prescription only or are restricted to use by practitioners only.

4 (10) "Medication assistance" means assistance rendered by a
5 nonpractitioner to an individual residing in a community-based setting
6 to facilitate the individual's self-administration of a legend drug or
7 controlled substance, where a practitioner has determined, in
8 consultation with the individual or the individual's representative,
9 that medication assistance is appropriate. It includes reminding or
10 coaching the individual, using an enabler, placing the medication in
11 the individual's hand, or helping in the preparation of legend drugs or
12 controlled substances for self-administration, and such other means of
13 medication assistance as defined by rule adopted by the department.

14 (11) "Person" means individual, corporation, government or
15 governmental subdivision or agency, business trust, estate, trust,
16 partnership or association, or any other legal entity.

17 (~~(11)~~) (12) "Practitioner" means:

18 (a) A physician under chapter 18.71 RCW, an osteopathic physician
19 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
20 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
21 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
22 registered nurse, advanced registered nurse practitioner, or licensed
23 practical nurse under chapter 18.79 RCW, an optometrist under chapter
24 18.53 RCW who is certified by the optometry board under RCW 18.53.010,
25 an osteopathic physician assistant under chapter 18.57A RCW, a
26 physician assistant under chapter 18.71A RCW, or a pharmacist under
27 chapter 18.64 RCW;

28 (b) A pharmacy, hospital, or other institution licensed,
29 registered, or otherwise permitted to distribute, dispense, conduct
30 research with respect to, or to administer a legend drug in the course
31 of professional practice or research in this state; and

32 (c) A physician licensed to practice medicine and surgery or a
33 physician licensed to practice osteopathic medicine and surgery in any
34 state, or province of Canada, which shares a common border with the
35 state of Washington.

36 (~~(12)~~) (13) "Secretary" means the secretary of health or the
37 secretary's designee.

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