

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1768

55th Legislature
1997 Regular Session

Passed by the House March 13, 1997
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 14, 1997
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1768** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1768

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Dyer, Zellinsky, Sheldon and L. Thomas)

Read first time 03/05/97.

1 AN ACT Relating to pharmacy ancillary personnel; and 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.

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

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

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

9 (1) "Board" means the state board of pharmacy;

10 (2) "Department" means the department of health;

11 (3) "Pharmacist" means a person duly licensed by the state board of
12 pharmacy to engage in the practice of pharmacy;

13 (4) "Pharmacy" means every place properly licensed by the board of
14 pharmacy where the practice of pharmacy is conducted;

15 (5) "Pharmacy ancillary personnel" means pharmacy technicians and
16 pharmacy assistants;

17 (6) "Pharmacy ((assistant level A)) technician" means:

18 (a) A person who is enrolled in, or who has satisfactorily
19 completed, a board approved training program designed to prepare

1 persons to perform nondiscretionary functions associated with the
2 practice of pharmacy; or

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

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

9 (~~((7))~~) (8) "Practice of pharmacy" means the definition given in
10 RCW 18.64.011(~~(, as now or hereafter amended)~~);

11 (~~((8))~~) (9) "Secretary" means the secretary of health or the
12 secretary's designee.

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

15 (1) The board shall adopt, in accordance with chapter 34.05 RCW,
16 rules fixing the classification and qualifications and the educational
17 and training requirements for persons who may be employed as pharmacy
18 (~~(assistants)~~) technicians or who may be enrolled in any pharmacy
19 (~~(assistant)~~) technician training program. Such rules shall provide
20 that:

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

23 (b) Training programs shall assure the competence of pharmacy
24 (~~(assistants)~~) technicians to aid and assist pharmacy operations.
25 Training programs shall consist of instruction and/or practical
26 training.

27 Such rules may include successful completion of examinations for
28 applicants for pharmacy (~~(assistant)~~) technician certificates. If such
29 examination rules are adopted, the board shall prepare or determine the
30 nature of, and supervise the grading of the examinations. The board
31 may approve an examination prepared or administered by a private
32 testing agency or association of licensing authorities.

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

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

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

12 (1) ~~(("Level A pharmacy assistants"))~~ "Pharmacy technicians" may
13 assist in performing, under the ~~((immediate))~~ supervision and control
14 of a licensed pharmacist, manipulative, nondiscretionary functions
15 associated with the practice of pharmacy and other such duties and
16 subject to such restrictions as the board may by rule adopt.

17 (2) ~~((Level B))~~ Pharmacy assistants may perform, under the
18 ~~((general))~~ supervision of a licensed pharmacist, duties including but
19 not limited to, typing of prescription labels, filing, refiling,
20 bookkeeping, pricing, stocking, delivery, nonprofessional phone
21 inquiries, and documentation of third party reimbursements and other
22 such duties and subject to such restrictions as the board may by rule
23 adopt.

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

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

30 (2) A pharmacist shall be assisted by ~~((a))~~ pharmacy ~~((assistant))~~
31 ancillary personnel in the practice of pharmacy in this state only
32 after authorization by the board and only to the extent permitted by
33 the board in accordance with this chapter: PROVIDED, That no
34 pharmacist may supervise more than one ~~((person performing level A))~~
35 pharmacy ~~((assistant duties and functions))~~ technician: PROVIDED
36 FURTHER, That in pharmacies operating in connection with facilities
37 licensed pursuant to chapter 70.41, 71.12, 71A.20, or 74.42 RCW,
38 whether or not situated within the said facility which shall be

1 physically separated from any area of a pharmacy where dispensing of
2 prescriptions to the general public occurs, the ratio of pharmacists to
3 ~~((persons performing level A))~~ pharmacy ~~((assistant duties and~~
4 ~~functions))~~ technicians shall be as follows: In the preparation of
5 medicine or other materials used by patients within the facility, one
6 pharmacist supervising no more than three ~~((persons performing level~~
7 ~~A))~~ pharmacy ~~((assistant duties and functions))~~ technicians; in the
8 preparation of medicine or other materials dispensed to persons not
9 patients within the facility, one pharmacist supervising not more than
10 one ~~((person performing level A))~~ pharmacy ~~((assistant duties and~~
11 ~~functions))~~ technician.

12 (3) The board may by rule modify the standard ratios set out in
13 subsection (2) of this section governing the utilization of pharmacy
14 technicians by pharmacies and pharmacists. Should a pharmacy desire to
15 use more pharmacy technicians than the standard ratios, the pharmacy
16 must submit to the board a pharmacy services plan for approval.

17 (a) The pharmacy services plan shall include, at a minimum, the
18 following information: Pharmacy design and equipment, information
19 systems, workflow, and quality assurance procedures. In addition, the
20 pharmacy services plan shall demonstrate how it facilitates the
21 provision of pharmaceutical care by the pharmacy.

22 (b) Prior to approval of a pharmacy services plan, the board may
23 require additional information to ensure appropriate oversight of
24 pharmacy ancillary personnel.

25 (c) The board may give conditional approval for pilot or
26 demonstration projects.

27 (d) Variance from the approved pharmacy services plan is grounds
28 for disciplinary action under RCW 18.64A.050.

29 **Sec. 5.** RCW 18.64A.050 and 1993 c 367 s 15 are each amended to
30 read as follows:

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

34 (1) His or her certificate was procured through fraud,
35 misrepresentation or deceit;

36 (2) He or she has been found guilty of any offense in violation of
37 the laws of this state relating to drugs, poisons, cosmetics or drug

1 sundries by any court of competent jurisdiction. Nothing herein shall
2 be construed to affect or alter the provisions of RCW 9.96A.020;

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

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

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

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

11 **Sec. 6.** RCW 18.64A.060 and 1996 c 191 s 51 are each amended to
12 read as follows:

13 No pharmacy licensed in this state shall utilize the services of
14 pharmacy ((assistants)) ancillary personnel without approval of the
15 board.

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

24 The board may approve or reject such applications. In addition,
25 the board may modify the proposed utilization of pharmacy
26 ((assistants)) ancillary personnel and approve the application as
27 modified. Whenever it appears to the board that ((a)) pharmacy
28 ((assistant is)) ancillary personnel are being utilized in a manner
29 inconsistent with the approval granted, the board may withdraw such
30 approval. In the event a hearing is requested upon the rejection of an
31 application, or upon the withdrawal of approval, a hearing shall be
32 conducted in accordance with chapter 18.64 RCW, as now or hereafter
33 amended, and appeal may be taken in accordance with the Administrative
34 Procedure Act, chapter 34.05 RCW.

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

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

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

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

14 ((~~No~~)) A pharmacy or pharmacist which utilizes the services of
15 ((~~a~~)) pharmacy ((~~assistant~~)) ancillary personnel with approval by the
16 board, ((~~shall be considered as~~)) is not aiding and abetting an
17 unlicensed person to practice pharmacy within the meaning of chapter
18 18.64 RCW((~~, as now or hereafter amended~~)): PROVIDED, HOWEVER, That
19 the pharmacy or pharmacist shall retain responsibility for any act
20 performed by ((~~a~~)) pharmacy ((~~assistant~~)) ancillary personnel in the
21 course of ((~~his or her~~)) employment.

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