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HOUSE BILL 1780

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Schual-Berke, Morrell, Green and Wood

Read first time 02/04/2005. Referred to Committee on Health Care.

1            AN ACT Relating to legibility of prescriptions; reenacting and  
2 amending RCW 69.41.010; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that prescription drug  
5 errors occur because the pharmacist or nurse cannot read the  
6 prescription from the physician or other provider with prescriptive  
7 authority. The legislature further finds that legible prescriptions  
8 can prevent these errors.

9            **Sec. 2.** RCW 69.41.010 and 2003 c 257 s 2 and 2003 c 140 s 11 are  
10 each reenacted and amended to read as follows:

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

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

16            (a) A practitioner; or

17            (b) The patient or research subject at the direction of the  
18 practitioner.

1 (2) "Community-based care settings" include: Community residential  
2 programs for the developmentally disabled, certified by the department  
3 of social and health services under chapter 71A.12 RCW; adult family  
4 homes licensed under chapter 70.128 RCW; and boarding homes licensed  
5 under chapter 18.20 RCW. Community-based care settings do not include  
6 acute care or skilled nursing facilities.

7 (3) "Deliver" or "delivery" means the actual, constructive, or  
8 attempted transfer from one person to another of a legend drug, whether  
9 or not there is an agency relationship.

10 (4) "Department" means the department of health.

11 (5) "Dispense" means the interpretation of a prescription or order  
12 for a legend drug and, pursuant to that prescription or order, the  
13 proper selection, measuring, compounding, labeling, or packaging  
14 necessary to prepare that prescription or order for delivery.

15 (6) "Dispenser" means a practitioner who dispenses.

16 (7) "Distribute" means to deliver other than by administering or  
17 dispensing a legend drug.

18 (8) "Distributor" means a person who distributes.

19 (9) "Drug" means:

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

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

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

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

30 (10) "Electronic communication of prescription information" means  
31 the communication of prescription information by computer, or the  
32 transmission of an exact visual image of a prescription by facsimile,  
33 or other electronic means for original prescription information or  
34 prescription refill information for a legend drug between an authorized  
35 practitioner and a pharmacy or the transfer of prescription information  
36 for a legend drug from one pharmacy to another pharmacy.

37 (11) "In-home care settings" include an individual's place of

1 temporary and permanent residence, but does not include acute care or  
2 skilled nursing facilities, and does not include community-based care  
3 settings.

4 (12) "Legend drugs" means any drugs which are required by state law  
5 or regulation of the state board of pharmacy to be dispensed on  
6 prescription only or are restricted to use by practitioners only. A  
7 prescription must be hand printed, typewritten, or electronically  
8 generated.

9 (13) "Legible prescription" means a prescription or medication  
10 order issued by a practitioner that is capable of being read and  
11 understood by the pharmacist filling the prescription or the nurse or  
12 other practitioner implementing the medication order.

13 (14) "Medication assistance" means assistance rendered by a  
14 nonpractitioner to an individual residing in a community-based care  
15 setting or in-home care setting to facilitate the individual's self-  
16 administration of a legend drug or controlled substance. It includes  
17 reminding or coaching the individual, handing the medication container  
18 to the individual, opening the individual's medication container, using  
19 an enabler, or placing the medication in the individual's hand, and  
20 such other means of medication assistance as defined by rule adopted by  
21 the department. A nonpractitioner may help in the preparation of  
22 legend drugs or controlled substances for self-administration where a  
23 practitioner has determined and communicated orally or by written  
24 direction that such medication preparation assistance is necessary and  
25 appropriate. Medication assistance shall not include assistance with  
26 intravenous medications or injectable medications, except prefilled  
27 insulin syringes.

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

31 (16) "Practitioner" means:

32 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
33 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
34 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
35 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
36 registered nurse, advanced registered nurse practitioner, or licensed  
37 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010,

1 an osteopathic physician assistant under chapter 18.57A RCW, a  
2 physician assistant under chapter 18.71A RCW, a naturopath licensed  
3 under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or,  
4 when acting under the required supervision of a dentist licensed under  
5 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

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

10 (c) A physician licensed to practice medicine and surgery or a  
11 physician licensed to practice osteopathic medicine and surgery in any  
12 state, or province of Canada, which shares a common border with the  
13 state of Washington.

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

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