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HOUSE BILL 1850

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Pedersen, Schual-Berke, Morrell, Cody, Hasegawa, Moeller, Rolfes, Lantz, Green, Hurst, Campbell and Ormsby

Read first time 01/30/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to prescription information; and adding a new  
2 section to chapter 69.41 RCW.

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

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

6 Health care information relative to prescription information  
7 containing patient-identifiable and prescriber-identifiable data shall  
8 not be licensed, transferred, used, or sold by any pharmacy benefits  
9 manager, insurance company, electronic transmission intermediary,  
10 retail, mail order, or internet pharmacy, or other similar entity, for  
11 any commercial purpose, except for the limited purposes of pharmacy  
12 reimbursement; formulary compliance; care management; utilization  
13 review by a health care provider, the patient's insurance provider, or  
14 the agent of either; health care research; or as otherwise provided by  
15 law. Commercial purpose includes, but is not limited to, advertising,  
16 marketing, promotion, or any activity that could be used to influence  
17 sales or market share of a pharmaceutical product, influence or  
18 evaluate the prescribing behavior of an individual health care  
19 professional, or evaluate the effectiveness of a professional

1 pharmaceutical detailing sales force. Nothing in this section  
2 prohibits the dispensing of prescription medications to a patient or to  
3 the patient's authorized representative; the transmission of  
4 prescription information between an authorized prescriber and a  
5 licensed pharmacy; the transfer of prescription information between  
6 licensed pharmacies; the transfer of prescription records that may  
7 occur in the event a pharmacy ownership is changed or transferred; or  
8 care management educational communications provided to a patient about  
9 the patient's health condition, adherence to a prescribed course of  
10 therapy, or other information about the drug being dispensed, treatment  
11 options, or clinical trials. Nothing in this section prohibits the  
12 collection, use, transfer, or sale of patient and prescriber de-  
13 identified data by zip code, geographic region, or medical specialty  
14 for commercial purposes. In addition to other appropriate remedies  
15 under this chapter, the legislature finds that the practices covered by  
16 this section are matters vitally affecting the public interest for the  
17 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
18 violation of this section is not reasonable in relation to the  
19 development and preservation of business and is an unfair or deceptive  
20 act in trade or commerce and an unfair method of competition for the  
21 purpose of applying the consumer protection act, chapter 19.86 RCW.

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