

# SENATE BILL REPORT

## HB 2014

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As Reported by Senate Committee On:  
Health & Long-Term Care, March 18, 2009

**Title:** An act relating to tamper-resistant prescription pads.

**Brief Description:** Requiring tamper-resistant prescription pads.

**Sponsors:** Representatives Kelley, Ericksen, Green and Morrell.

**Brief History:** Passed House: 3/04/09, 95-0.

**Committee Activity:** Health & Long-Term Care: 3/18/09 [DPA].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Becker, Fairley and Parlette.

**Staff:** Rhoda Donkin (786-7465)

**Background:** Since October 2008, federal law has required all Medicaid prescriptions be written on tamper-resistant prescription pads. These are pads with properties that prevent unauthorized copying of a completed or blank prescription form, erasure or modification or information written on the prescription by the prescriber, or the creation of counterfeit prescription forms. The requirement does not apply when the prescription is communicated by the prescriber to the pharmacy electronically, verbally, or by fax; when a managed-care entity pays for the prescription; in most institutional or clinical facilities; or in cases of emergency prescriptions.

**Summary of Bill (Recommended Amendments):** Beginning January 1, 2010, all prescriptions written by a licensed practitioner in the state must be done on a tamper-resistant prescription pad or paper approved by the Board of Pharmacy. A pharmacist may not fill a prescription unless it complies with this requirement, except when providing emergency supplies. Any hard copy of an electronic prescription that is given directly to a patient must also comply.

Tamper-resistant is described with the same characteristics as described by federal law. All tamper-resistant pads and paper must be approved by the Board of Pharmacy before being

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marketed to pharmacists. The board will develop and use a seal of approval for tamper-resistant products.

Prescriptions transmitted to the pharmacy by telephone, fax, or electronically are exempt. Prescriptions written for individuals in hospitals, nursing homes, mental health facilities, and correctional facilities are also exempt.

**EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Amendments):** Changed the implementation date from January 1, 2010, to July 1, 2010.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This will bring conformity across prescriptions written statewide for public and private programs. This has the potential to dramatically cut down on fraud. The changed implementation date will ensure that everyone can comply.

**Persons Testifying:** PRO: Representative Kelley, prime sponsor; Dedi Hitchens, Washington State Board of Pharmacy; Susie Tracy, Washington State Medical Association; Phyllis Coolen, Department of Social and Health Services.