

# HOUSE BILL REPORT

## HB 2343

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**As Passed House:**  
February 14, 2012

**Title:** An act relating to authorization of electronic communication of prescription information for controlled substances.

**Brief Description:** Authorizing electronic communication of prescription information for controlled substances.

**Sponsors:** Representatives Cody and Schmick; by request of Department of Health.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 1/23/12, 1/26/12 [DP].

**Floor Activity:**

Passed House: 2/14/12, 98-0.

**Brief Summary of Bill**

- Modifies the state law that allows electronic communication of prescriptions for Schedule III through V controlled substances to also cover prescriptions for Schedule II controlled substances.
- Clarifies the prohibition against refilling prescriptions for Schedule II controlled substances.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 10 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Clibborn, Green, Harris, Kelley, Moeller and Van De Wege.

**Staff:** Chris Cordes (786-7103).

**Background:**

State law permits original prescriptions or prescription refills for legend drugs to be electronically communicated between the authorized practitioner and a pharmacy.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

"Electronic communication" is defined as communication by computer, facsimile, or other electronic means. These transmissions must comply with various requirements, including laws governing the form, content, recordkeeping, and processing of prescriptions. The system used for transmitting must be approved by the Board of Pharmacy (Board), unless the system uses facsimile equipment that transmits an exact visual image of the prescription.

Since 1998 a similar state law has also allowed electronic communication of prescriptions for Schedule III through V controlled substances. Under that law, prescriptions for Schedule II controlled substances are allowed to be transmitted only by written prescription or, for a patient in a long-term care facility or hospice, by facsimile transmission. In an emergency, a Schedule II controlled substance may be dispensed on an oral prescription. That provision also prohibits refills of Schedule II controlled substance prescriptions.

Until 2010 federal law did not permit electronic communication of prescriptions for controlled substances. Under federal rules adopted in 2010, electronic communication is allowed for Schedule II through V controlled substances. The rules specify the requirements that must be met for an electronic prescription or health record system to be approved for this use by the practitioner.

**Summary of Bill:**

The state law allowing electronic communication of prescriptions for controlled substances is modified to apply to prescriptions for Schedule II as well as for Schedule III through V controlled substances. The conditions relating to the system to be used for transmitting the prescription are revised to require both (1) that the Board approve the transmitting system and (2) that the system meet federal requirements for electronic orders and prescriptions.

A provision is added clarifying the prohibition against refilling prescriptions for Schedule II controlled substances.

The definition of "electronic communications" is repealed that defined electronic communication of prescriptions for controlled substances and that limited the definition to Schedule III through V controlled substances.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) State law needs to be changed to allow electronic communication of prescriptions for Schedule II through V controlled substances. Current law is a barrier to patient care; these changes will promote efficiency in health care delivery. Because these substances are more highly regulated, federal law was concerned with protecting privacy.

The bill updates state law to align it with the new federal requirements for electronic communication of prescriptions for controlled substances.

(Opposed) Most diseases are self-induced. Everyone expects medicine to fix the mess that people make of their health. This bill makes it worse by enabling people to obtain prescriptions faster.

**Persons Testifying:** (In support) Karen Jensen, Department of Health.

(Opposed) Yoshe Revelle.

**Persons Signed In To Testify But Not Testifying:** None.