

# SENATE BILL REPORT

## HB 2343

---

---

As of February 23, 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:** Passed House: 2/14/12, 98-0.

**Committee Activity:** Health & Long-Term Care: 2/22/12.

---

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

**Staff:** Kathleen Buchli (786-7488)

**Background:** Information concerning an original prescription or information concerning a prescription refill for a controlled substance may be electronically communicated to a pharmacy if the electronically communicated prescription conforms with state laws on form, recordkeeping, and processing of a prescription for a legend drug; the Board of Pharmacy approves the system used for transmitting electronically communicated prescription information; practitioners are provided an opportunity to indicate whether a generic drug may be substituted; the prescription is kept confidential; and the pharmacist exercises professional judgment relating to the accuracy and authenticity of the prescription. Use of electronic systems for transmission of Schedule II controlled substance prescriptions is prohibited.

Effective June 1, 2010, the Drug Enforcement Administration adopted rules allowing electronic transfer of controlled substance prescriptions from prescriber to pharmacy. The rules establish security requirements for electronic prescribing systems that transmit controlled substance prescriptions.

**Summary of Bill:** Information concerning an original prescription for a controlled substance included in Schedules II through V or information concerning a prescription refill for a controlled substance included in Schedules III through V may be electronically communicated to a pharmacy of the patient's choice. The system used for transmitting electronically communicated prescription information must be approved by the Board of

---

*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.*

Pharmacy and must meet federal requirements if used to transmit prescription information for controlled substances included in Schedules II through V.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: This will remove barriers to patient care and assist with the transition to electronic health records. It conforms state laws to federal rules. The bill will reduce risk of forged controlled substances prescriptions and will reduce errors. Twenty-three other states permit electronic transmission of controlled substances prescriptions. Electronic prescriptions are routinely used now, but certain controlled substances cannot be transmitted electronically; this is an issue because a different system has to be used for these prescriptions. This will help to stop drug-seeking practices by preventing forged signatures. This will lead to safety and efficiency and improved patient care. The goal is to have all states participate in electronic prescriptions. Pharmacies will not be required to accept electronic prescriptions, but it could be a deterrent to their practices if they do not accept them.

**Persons Testifying:** PRO: Karen Jensen, Department of Health; Hirosui Nakano, South Sound Neurosurgery; Lis Houchen, National Assn. of Chain Drug Stores.