

SSB 6558 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 03/04/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64  
4 RCW to read as follows:

5 The intent of this legislation is to make clear the legislature's  
6 directive to the commission to allow hospital pharmacy licenses to  
7 include individual practitioner offices and multipractitioner clinics  
8 owned, operated, or under common control with a hospital and that  
9 such offices and clinics are regulated, inspected, and investigated  
10 according to the level of service provided. While legislation  
11 providing for such a system was enacted in 2015, it has yet to be  
12 implemented. The legislature wishes to specify a clear timeline for  
13 implementation.

14 **Sec. 2.** RCW 18.64.043 and 2015 c 234 s 4 are each amended to  
15 read as follows:

16 (1) The owner of each pharmacy shall pay an original license fee  
17 to be determined by the secretary, and annually thereafter, on or  
18 before a date to be determined by the secretary, a fee to be  
19 determined by the secretary, for which he or she shall receive a  
20 license of location, which shall entitle the owner to operate such  
21 pharmacy at the location specified, or such other temporary location  
22 as the secretary may approve, for the period ending on a date to be  
23 determined by the secretary as provided in RCW 43.70.250 and  
24 43.70.280, and each such owner shall at the time of filing proof of  
25 payment of such fee as provided in RCW 18.64.045 as now or hereafter  
26 amended, file with the (~~department~~) commission on a blank therefor  
27 provided, a declaration of ownership and location, which declaration  
28 of ownership and location so filed as aforesaid shall be deemed  
29 presumptive evidence of ownership of the pharmacy mentioned therein.

30 (2)(a) For a hospital licensed under chapter 70.41 RCW, the  
31 license of location provided under this section may include any

1 individual practitioner's office or multipractitioner clinic owned  
2 (~~and~~), operated (~~by~~), or under common control with a hospital,  
3 and identified by the hospital on the pharmacy application or  
4 renewal. (~~A hospital that elects to include one or more offices or~~  
5 ~~clinics under this subsection on its pharmacy application must~~  
6 ~~maintain the office or clinic under its pharmacy license through at~~  
7 ~~least one pharmacy inspection or twenty four months. However, the~~  
8 ~~department may, in its discretion, allow a change in licensure at an~~  
9 ~~earlier time.)) The definition of "hospital" under RCW 70.41.020 to  
10 exclude "clinics, or physician's offices where patients are not  
11 regularly kept as bed patients for twenty-four hours or more," does  
12 not limit the ability of a hospital to include individual  
13 practitioner's offices or multipractitioner clinics owned, operated,  
14 or under common control with a hospital on the pharmacy application  
15 or renewal or otherwise prevent the implementation of this act. A  
16 hospital that elects to include one or more offices or clinics under  
17 this subsection on its hospital pharmacy application shall describe  
18 the type of services relevant to the practice of pharmacy provided at  
19 each such office or clinic as requested by the commission. Any  
20 updates to the application, renewal, or related forms that are  
21 necessary to accomplish the provision of this licensure option must  
22 be made no later than ninety days after the effective date of this  
23 section. Nothing in this section limits the ability of a hospital to  
24 transfer drugs to another location consistent with federal laws and  
25 RCW 70.41.490, regardless of whether or not an election has been made  
26 with respect to adding the receiving location to the hospital's  
27 pharmacy license under this section.~~

28 (b) This chapter must be interpreted in a manner that supports  
29 regulatory, inspection, and investigation standards that are  
30 reasonable and appropriate based on the level of risk and the type of  
31 services provided in a pharmacy, including pharmacy services provided  
32 in a hospital and pharmacy services provided in an individual  
33 practitioner office or multipractitioner clinic owned, operated, or  
34 under common control with a hospital regardless of the office or  
35 clinic's physical address. The commission shall provide clear and  
36 specific information regarding the standards to which particular  
37 pharmacy services will be held, as appropriate, based on the type of  
38 pharmacy service provided at a particular location.

39 (c) The secretary may adopt rules to establish an additional  
40 reasonable fee for any such office or clinic.

1        (~~(2)~~) (3) It shall be the duty of the owner to immediately  
2 notify the (~~(department)~~) commission of any change of location  
3 (~~(or)~~), ownership, or licensure and to keep the license of location  
4 or the renewal thereof properly exhibited in said pharmacy.

5        (~~(3)~~) (4) Failure to comply with this section shall be deemed a  
6 misdemeanor, and each day that said failure continues shall be deemed  
7 a separate offense.

8        (~~(4)~~) (5) In the event such license fee remains unpaid on the  
9 date due, no renewal or new license shall be issued except upon  
10 compliance with administrative procedures, administrative  
11 requirements, and fees determined as provided in RCW 43.70.250 and  
12 43.70.280.

13        (6) If the commission determines that rules are necessary for the  
14 immediate implementation of the inspection standards described in  
15 this section, it must adopt rules under the emergency rule-making  
16 process in RCW 34.05.350, with such emergency rules effective not  
17 later than ninety days after the effective date of this section. The  
18 commission shall then begin the process to adopt any necessary  
19 permanent rules in accordance with chapter 34.05 RCW. The commission  
20 shall ensure that during the transition to the permanent rules  
21 adopted under this section, an emergency rule remains in effect  
22 without a break between the original emergency rule and any  
23 subsequent emergency rules that may be necessary. The commission  
24 shall ensure that during the transition to permanent rules there is  
25 no interruption in provision of the licensure option described under  
26 this section."

27        Correct the title.

EFFECT: Provides that the language of the bill does not limit the ability of a hospital to transfer drugs to another location consistent with federal laws regardless of whether or not an election has been made with respect to adding the receiving location to the hospital's pharmacy license. Changes provisions describing the use of the expedited rule-making process to the emergency rule-making process.

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