

---

HOUSE BILL 2689

---

State of Washington

65th Legislature

2018 Regular Session

By Representatives Slatter, DeBolt, Cody, and Jinkins; by request of Department of Health

Read first time 01/12/18. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to electronic communication of prescription  
2 information; amending RCW 69.41.055; and reenacting and amending RCW  
3 69.50.312.

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

5 **Sec. 1.** RCW 69.41.055 and 2016 c 148 s 15 are each amended to  
6 read as follows:

7 (1) Information concerning an original prescription or  
8 information concerning a prescription refill for a legend drug may be  
9 electronically communicated between an authorized practitioner and a  
10 pharmacy of the patient's choice with no intervening person having  
11 access to the prescription drug order pursuant to the provisions of  
12 this chapter if the electronically communicated prescription  
13 information complies with the following:

14 (a) Electronically communicated prescription information must  
15 comply with all applicable statutes and rules regarding the form,  
16 content, recordkeeping, and processing of a prescription or order for  
17 a legend drug;

18 (b) ~~((The system used for transmitting electronically~~  
19 ~~communicated prescription information and the system used for~~  
20 ~~receiving electronically communicated prescription information must~~  
21 ~~be approved by the commission. This subsection does not apply to~~

1 ~~currently used facsimile equipment transmitting an exact visual image~~  
2 ~~of the prescription. The commission shall maintain and provide, upon~~  
3 ~~request, a list of systems used for electronically communicating~~  
4 ~~prescription information currently approved by the commission;~~

5 ~~(e))~~ An explicit opportunity for practitioners must be made to  
6 indicate their preference on whether or not a therapeutically  
7 equivalent generic drug or interchangeable biological product may be  
8 substituted. This section does not limit the ability of practitioners  
9 and pharmacists to permit substitution by default under a prior-  
10 consent authorization;

11 ~~((d))~~ (c) Prescription drug orders are confidential health  
12 information, and may be released only to the patient or the patient's  
13 authorized representative, the prescriber or other authorized  
14 practitioner then caring for the patient, or other persons  
15 specifically authorized by law to receive such information;

16 ~~((e))~~ (d) To maintain confidentiality of prescription records,  
17 the electronic system shall have adequate security and systems  
18 safeguards designed to prevent and detect unauthorized access,  
19 modification, or manipulation of these records(~~(. The pharmacist in~~  
20 ~~charge shall establish or verify the existence of policies and~~  
21 ~~procedures which ensure the integrity and confidentiality of~~  
22 ~~prescription information transmitted to the pharmacy by electronic~~  
23 ~~means. All managers, employees, and agents of the pharmacy are~~  
24 ~~required to read, sign, and comply with the established policies and~~  
25 ~~procedures)); and~~

26 ~~((f))~~ (e) The pharmacist shall exercise professional judgment  
27 regarding the accuracy, validity, and authenticity of the  
28 prescription drug order received by way of electronic transmission,  
29 consistent with federal and state laws and rules and guidelines of  
30 the commission.

31 (2) The electronic or digital signature of the prescribing  
32 practitioner's agent on behalf of the prescribing practitioner for a  
33 resident in a long-term care facility or hospice program, pursuant to  
34 a valid order and authorization under RCW 18.64.550, constitutes a  
35 valid electronic communication of prescription information. Such an  
36 authorized signature and transmission by an agent in a long-term care  
37 facility or hospice program does not constitute an intervening person  
38 having access to the prescription drug order.

39 (3) The commission may adopt rules implementing this section.

1       **Sec. 2.** RCW 69.50.312 and 2013 c 276 s 4 and 2013 c 19 s 105 are  
2 each reenacted and amended to read as follows:

3       (1) Information concerning a prescription for a controlled  
4 substance included in Schedules II through V, or information  
5 concerning a refill authorization for a controlled substance included  
6 in Schedules III through V(~~(+)~~), may be electronically communicated  
7 to a pharmacy of the patient's choice pursuant to the provisions of  
8 this chapter if the electronically communicated prescription  
9 information complies with the following:

10       (a) Electronically communicated prescription information must  
11 comply with all applicable statutes and rules regarding the form,  
12 content, recordkeeping, and processing of a prescription for a legend  
13 drug;

14       (b) The system used for transmitting electronically communicated  
15 prescription information must (~~(be approved by the commission and in~~  
16 ~~accordance))~~ comply with federal rules for electronically  
17 communicated prescriptions for controlled substance(~~(+)~~)s included  
18 in Schedules II through V, as set forth in Title 21 C.F.R. Parts  
19 1300, 1304, 1306, and 1311(~~(. This subsection does not apply to~~  
20 ~~currently used facsimile equipment transmitting an exact visual image~~  
21 ~~of the prescription. The commission shall maintain and provide, upon~~  
22 ~~request, a list of systems used for electronically communicating~~  
23 ~~prescription information currently approved by the commission))~~);

24       (c) An explicit opportunity for practitioners must be made to  
25 indicate their preference on whether a therapeutically equivalent  
26 generic drug may be substituted;

27       (d) Prescription drug orders are confidential health information,  
28 and may be released only to the patient or the patient's authorized  
29 representative, the prescriber or other authorized practitioner then  
30 caring for the patient, or other persons specifically authorized by  
31 law to receive such information;

32       (e) To maintain confidentiality of prescription records, the  
33 electronic system shall have adequate security and systems safeguards  
34 designed to prevent and detect unauthorized access, modification, or  
35 manipulation of these records(~~(. The pharmacist in charge shall~~  
36 ~~establish or verify the existence of policies and procedures which~~  
37 ~~ensure the integrity and confidentiality of prescription information~~  
38 ~~transmitted to the pharmacy by electronic means. All managers,~~  
39 ~~employees, and agents of the pharmacy are required to read, sign, and~~  
40 ~~comply with the established policies and procedures))~~); and

1           (f) The pharmacist shall exercise professional judgment regarding  
2 the accuracy, validity, and authenticity of the prescription drug  
3 order received by way of electronic transmission, consistent with  
4 federal and state laws and rules and guidelines of the commission.

5           (2) The commission may adopt rules implementing this section.

--- END ---