
SENATE BILL 5446

State of Washington

66th Legislature

2019 Regular Session

By Senators Mullet, Rivers, Cleveland, Becker, Keiser, Bailey, and Kuderer

Read first time 01/21/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to electronic prescriptions; and adding a new
2 section to chapter 69.50 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
5 RCW to read as follows:

6 (1) Beginning January 1, 2020, and except as provided in
7 subsection (2) of this section and RCW 69.50.312, prescription
8 medications issued in this state must be electronically communicated
9 to a pharmacy of a patient's choice using the national council for
10 prescription drug programs prescriber/pharmacist interface SCRIPT
11 standard for electronic prescribing.

12 (2) The electronic communication requirement under subsection (1)
13 of this section does not apply to prescriptions:

14 (a) Issued by veterinarians;

15 (b) Issued when electronic communication is not available due to
16 temporary technological or electrical failure;

17 (c) That are transmitted to a pharmacy located outside the state;

18 (d) Written by a prescriber who is also the dispenser;

19 (e) That include elements not supported by the national council
20 for prescription drug programs prescriber/pharmacist interface SCRIPT
21 standard;

1 (f) That are required by the federal food and drug administration
2 to contain certain elements that may not be accomplished with
3 electronic prescribing, including prescriptions for a drug with risk
4 evaluation and mitigation strategies that include elements to assure
5 safe use;

6 (g) That may be dispensed under a standing order or a
7 collaborative drug therapy agreement issued in response to a public
8 health emergency or other circumstances where the practitioner may
9 issue a nonpatient specific prescription;

10 (h) Issued under a drug research protocol;

11 (i) Issued by a practitioner who has received a waiver from the
12 electronic communication requirement under subsection (5) of this
13 section; and

14 (j) Issued by a practitioner if the practitioner determines it
15 impractical for the patient to obtain substances transmitted by
16 electronic communication in a timely manner, and such delay would
17 adversely impact the patient's medical condition.

18 (3) The practitioner's disciplining authority as defined in RCW
19 18.130.020 may investigate violations of subsection (1) of this
20 section. A practitioner who is found by the disciplining authority to
21 have violated subsection (1) of this section is subject to a fine of
22 two hundred fifty dollars per violation, up to a maximum of five
23 thousand dollars per calendar year. Fines are not considered
24 disciplinary actions as defined in RCW 18.130.020 and may not be
25 considered to be unprofessional conduct. The department must adopt
26 rules to allow a practitioner to appeal a fine imposed under this
27 subsection. The commission must be notified of any fines imposed
28 under this subsection.

29 (4) A pharmacist who receives a written, oral, or fax
30 prescription is not required to verify that the prescription properly
31 falls under one of the exceptions under subsection (2) of this
32 section. Pharmacists may continue to dispense medications from
33 otherwise valid written, oral, or fax prescriptions consistent with
34 state and federal law.

35 (5) The commission must adopt rules to implement this section.
36 Rules must include a process that allows a practitioner to receive a
37 waiver from the electronic communication of prescription information
38 requirement under subsection (1) of this section if the practitioner
39 demonstrates an inability to electronically communicate prescription
40 information due to economic hardship, technological limitations that

1 are not reasonably within the control of the practitioner, or other
2 exceptional circumstance demonstrated by the practitioner.

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