
HOUSE BILL 1665

State of Washington

68th Legislature

2023 Regular Session

By Representatives Stonier, Santos, and Pollet

Read first time 01/30/23. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to allowing pharmacists to treat certain
2 conditions; amending RCW 18.64.011; adding a new section to chapter
3 18.64 RCW; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 18.64.011 and 2021 c 78 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Administer" means the direct application of a drug or
10 device, whether by injection, inhalation, ingestion, or any other
11 means, to the body of a patient or research subject.

12 (2) "Business licensing system" means the mechanism established
13 by chapter 19.02 RCW by which business licenses, endorsed for
14 individual state-issued licenses, are issued and renewed utilizing a
15 business license application and a business license expiration date
16 common to each renewable license endorsement.

17 (3) "Chart order" means a lawful order for a drug or device
18 entered on the chart or medical record of an inpatient or resident of
19 an institutional facility by a practitioner or his or her designated
20 agent.

1 (4) "Closed door long-term care pharmacy" means a pharmacy that
2 provides pharmaceutical care to a defined and exclusive group of
3 patients who have access to the services of the pharmacy because they
4 are treated by or have an affiliation with a long-term care facility
5 or hospice program, and that is not a retailer of goods to the
6 general public.

7 (5) "Commission" means the pharmacy quality assurance commission.

8 (6) "Compounding" means the act of combining two or more
9 ingredients in the preparation of a prescription. Reconstitution and
10 mixing of (a) sterile products according to federal food and drug
11 administration-approved labeling does not constitute compounding if
12 prepared pursuant to a prescription and administered immediately or
13 in accordance with package labeling, and (b) nonsterile products
14 according to federal food and drug administration-approved labeling
15 does not constitute compounding if prepared pursuant to a
16 prescription.

17 (7) "Controlled substance" means a drug or substance, or an
18 immediate precursor of such drug or substance, so designated under or
19 pursuant to the provisions of chapter 69.50 RCW.

20 (8) "Deliver" or "delivery" means the actual, constructive, or
21 attempted transfer from one person to another of a drug or device,
22 whether or not there is an agency relationship.

23 (9) "Department" means the department of health.

24 (10) "Device" means instruments, apparatus, and contrivances,
25 including their components, parts, and accessories, intended (a) for
26 use in the diagnosis, cure, mitigation, treatment, or prevention of
27 disease in human beings or other animals, or (b) to affect the
28 structure or any function of the body of human beings or other
29 animals.

30 (11) "Dispense" means the interpretation of a prescription or
31 order for a drug, biological, or device and, pursuant to that
32 prescription or order, the proper selection, measuring, compounding,
33 labeling, or packaging necessary to prepare that prescription or
34 order for delivery.

35 (12) "Distribute" means the delivery of a drug or device other
36 than by administering or dispensing.

37 (13) "Drug" and "devices" do not include surgical or dental
38 instruments or laboratory materials, gas and oxygen, therapy
39 equipment, X-ray apparatus or therapeutic equipment, their component
40 parts or accessories, or equipment, instruments, apparatus, or

1 contrivances used to render such articles effective in medical,
2 surgical, or dental treatment, or for use or consumption in or for
3 mechanical, industrial, manufacturing, or scientific applications or
4 purposes. "Drug" also does not include any article or mixture covered
5 by the Washington pesticide control act (chapter 15.58 RCW), as
6 enacted or hereafter amended, nor medicated feed intended for and
7 used exclusively as a feed for animals other than human beings.

8 (14) "Drugs" means:

9 (a) Articles recognized in the official United States
10 pharmacopoeia or the official homeopathic pharmacopoeia of the United
11 States;

12 (b) Substances intended for use in the diagnosis, cure,
13 mitigation, treatment, or prevention of disease in human beings or
14 other animals;

15 (c) Substances (other than food) intended to affect the structure
16 or any function of the body of human beings or other animals; or

17 (d) Substances intended for use as a component of any substances
18 specified in (a), (b), or (c) of this subsection, but not including
19 devices or their component parts or accessories.

20 (15) "Health care entity" means an organization that provides
21 health care services in a setting that is not otherwise licensed by
22 the state to acquire or possess legend drugs. Health care entity
23 includes a freestanding outpatient surgery center, a residential
24 treatment facility, and a freestanding cardiac care center. "Health
25 care entity" does not include an individual practitioner's office or
26 a multipractitioner clinic, regardless of ownership, unless the owner
27 elects licensure as a health care entity. "Health care entity" also
28 does not include an individual practitioner's office or
29 multipractitioner clinic identified by a hospital on a pharmacy
30 application or renewal pursuant to RCW 18.64.043.

31 (16) "Hospice program" means a hospice program certified or paid
32 by medicare under Title XVIII of the federal social security act, or
33 a hospice program licensed under chapter 70.127 RCW.

34 (17) "Institutional facility" means any organization whose
35 primary purpose is to provide a physical environment for patients to
36 obtain health care services including, but not limited to, services
37 in a hospital, long-term care facility, hospice program, mental
38 health facility, drug abuse treatment center, residential
39 habilitation center, or a local, state, or federal correction
40 facility.

1 (18) "Labeling" means the process of preparing and affixing a
2 label to any drug or device container. The label must include all
3 information required by current federal and state law and pharmacy
4 rules.

5 (19) "Legend drugs" means any drugs which are required by any
6 applicable federal or state law or regulation to be dispensed on
7 prescription only or are restricted to use by practitioners only.

8 (20) "Long-term care facility" means a nursing home licensed
9 under chapter 18.51 RCW, an assisted living facility licensed under
10 chapter 18.20 RCW, or an adult family home licensed under chapter
11 70.128 RCW.

12 (21) "Manufacture" means the production, preparation,
13 propagation, compounding, or processing of a drug or other substance
14 or device or the packaging or repackaging of such substance or
15 device, or the labeling or relabeling of the commercial container of
16 such substance or device, but does not include the activities of a
17 practitioner who, as an incident to his or her administration or
18 dispensing such substance or device in the course of his or her
19 professional practice, personally prepares, compounds, packages, or
20 labels such substance or device. "Manufacture" includes the
21 distribution of a licensed pharmacy compounded drug product to other
22 state licensed persons or commercial entities for subsequent resale
23 or distribution, unless a specific product item has approval of the
24 commission. The term does not include:

25 (a) The activities of a licensed pharmacy that compounds a
26 product on or in anticipation of an order of a licensed practitioner
27 for use in the course of their professional practice to administer to
28 patients, either personally or under their direct supervision;

29 (b) The practice of a licensed pharmacy when repackaging
30 commercially available medication in small, reasonable quantities for
31 a practitioner legally authorized to prescribe the medication for
32 office use only;

33 (c) The distribution of a drug product that has been compounded
34 by a licensed pharmacy to other appropriately licensed entities under
35 common ownership or control of the facility in which the compounding
36 takes place; or

37 (d) The delivery of finished and appropriately labeled compounded
38 products dispensed pursuant to a valid prescription to alternate
39 delivery locations, other than the patient's residence, when

1 requested by the patient, or the prescriber to administer to the
2 patient, or to another licensed pharmacy to dispense to the patient.

3 (22) "Manufacturer" means a person, corporation, or other entity
4 engaged in the manufacture of drugs or devices.

5 (23) "Nonlegend" or "nonprescription" drugs means any drugs which
6 may be lawfully sold without a prescription.

7 (24) "Person" means an individual, corporation, government,
8 governmental subdivision or agency, business trust, estate, trust,
9 partnership or association, or any other legal entity.

10 (25) "Pharmacist" means a person duly licensed by the commission
11 to engage in the practice of pharmacy.

12 (26) "Pharmacy" means every place properly licensed by the
13 commission where the practice of pharmacy is conducted.

14 (27) "Poison" does not include any article or mixture covered by
15 the Washington pesticide control act (chapter 15.58 RCW), as enacted
16 or hereafter amended.

17 (28) "Practice of pharmacy" includes the practice of and
18 responsibility for: Interpreting prescription orders; the
19 compounding, dispensing, labeling, administering, and distributing of
20 drugs and devices; the monitoring of drug therapy and use; ordering,
21 administering, reviewing, or interpreting tests authorized or
22 approved by the food and drug administration and waived under the
23 federal clinical laboratory improvement amendments of 1988 and
24 initiating or modifying of drug therapy for health conditions in
25 accordance with section 2 of this act; the initiating or modifying of
26 drug therapy for health conditions not included in section 2 of this
27 act in accordance with written guidelines or protocols previously
28 established and approved for his or her practice by a practitioner
29 authorized to prescribe drugs; the participating in drug utilization
30 reviews and drug product selection; the proper and safe storing and
31 distributing of drugs and devices and maintenance of proper records
32 thereof; the providing of information on legend drugs which may
33 include, but is not limited to, the advising of therapeutic values,
34 hazards, and the uses of drugs and devices.

35 (29) "Practitioner" means a physician, dentist, veterinarian,
36 nurse, or other person duly authorized by law or rule in the state of
37 Washington to prescribe drugs.

38 (30) "Prescription" means an order for drugs or devices issued by
39 a practitioner duly authorized by law or rule in the state of

1 Washington to prescribe drugs or devices in the course of his or her
2 professional practice for a legitimate medical purpose.

3 (31) "Secretary" means the secretary of health or the secretary's
4 designee.

5 (32) "Shared pharmacy services" means a system that allows a
6 participating pharmacist or pharmacy pursuant to a request from
7 another participating pharmacist or pharmacy to process or fill a
8 prescription or drug order, which may include but is not necessarily
9 limited to preparing, packaging, labeling, data entry, compounding
10 for specific patients, dispensing, performing drug utilization
11 reviews, conducting claims adjudication, obtaining refill
12 authorizations, reviewing therapeutic interventions, or reviewing
13 chart orders.

14 (33) "Wholesaler" means a corporation, individual, or other
15 entity which buys drugs or devices for resale and distribution to
16 corporations, individuals, or entities other than consumers.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.64
18 RCW to read as follows:

19 (1) A pharmacist may initiate and administer treatment for
20 certain health conditions. For purposes of this section, a health
21 condition is typically a short-term health condition that is
22 generally managed with noncontrolled drug therapies, minimal
23 treatment, or self-care and includes the following:

24 (a) Influenza;

25 (b) Streptococcus;

26 (c) SARS-CoV-2 or other respiratory illness, condition, or
27 disease;

28 (d) Lice;

29 (e) Urinary tract infection;

30 (f) Skin conditions, such as ringworm and athlete's foot;

31 (g) Other emerging and existing public health threats identified
32 by the Washington state department of health if permitted by an
33 order, rule, or regulation; and

34 (h) Other health conditions that can be screened utilizing the
35 waived test under the clinical laboratory improvement amendments of
36 1988, that may be adopted by rule of the pharmacy quality assurance
37 commission.

38 (2) A pharmacist who administers the treatment for health
39 conditions under this section may use any test that may guide

1 clinical decision making which the centers for medicare and medicaid
2 services has determined qualifies for a waiver under the federal
3 clinical laboratory improvement amendments of 1988, or the federal
4 rules adopted thereunder, or any established screening procedures
5 that can safely be performed by a pharmacist.

6 (3) A pharmacist may delegate the administering or performing of
7 a clinical laboratory improvement amendments of 1988 waived test to
8 an intern or pharmacy technician acting under the supervision of the
9 pharmacist.

10 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of
12 the state government and its existing public institutions, and takes
13 effect July 1, 2023.

--- END ---