
HOUSE BILL 2142

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Cody and Hunter; by request of Department of Health

Read first time 12/01/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to prescription monitoring program funding; and
2 amending RCW 70.225.020 and 43.70.110.

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

4 **Sec. 1.** RCW 70.225.020 and 2007 c 259 s 43 are each amended to
5 read as follows:

6 (1) When sufficient funding is provided for such purpose through
7 federal or private grants, or is appropriated by the legislature, the
8 department shall establish and maintain a prescription monitoring
9 program to monitor the prescribing and dispensing of all Schedules II,
10 III, IV, and V controlled substances and any additional drugs
11 identified by the board of pharmacy as demonstrating a potential for
12 abuse by all professionals licensed to prescribe or dispense such
13 substances in this state. The program shall be designed to improve
14 health care quality and effectiveness by reducing abuse of controlled
15 substances, reducing duplicative prescribing and overprescribing of
16 controlled substances, and improving controlled substance prescribing
17 practices with the intent of eventually establishing an electronic
18 database available in real time to dispensers and prescribers of

1 ((~~control~~[~~controlled~~])) controlled substances. As much as possible,
2 the department should establish a common database with other states.

3 (2) Except as provided in subsection (4) of this section, each
4 dispenser shall submit to the department by electronic means
5 information regarding each prescription dispensed for a drug included
6 under subsection (1) of this section. Drug prescriptions for more than
7 immediate one day use should be reported. The information submitted
8 for each prescription shall include, but not be limited to:

- 9 (a) Patient identifier;
- 10 (b) Drug dispensed;
- 11 (c) Date of dispensing;
- 12 (d) Quantity dispensed;
- 13 (e) Prescriber; and
- 14 (f) Dispenser.

15 (3) Each dispenser shall submit the information in accordance with
16 transmission methods established by the department.

17 (4) The data submission requirements of this section do not apply
18 to:

19 (a) Medications provided to patients receiving inpatient services
20 provided at hospitals licensed under chapter 70.41 RCW; or patients of
21 such hospitals receiving services at the clinics, day surgery areas, or
22 other settings within the hospital's license where the medications are
23 administered in single doses; or

24 (b) Pharmacies operated by the department of corrections for the
25 purpose of providing medications to offenders in department of
26 corrections institutions who are receiving pharmaceutical services from
27 a department of corrections pharmacy, except that the department of
28 corrections must submit data related to each offender's current
29 prescriptions for controlled substances upon the offender's release
30 from a department of corrections institution.

31 (5) The department shall seek federal or private grants to support
32 the activities described in chapter 259, Laws of 2007. ((The
33 department may not require a practitioner or a pharmacist to pay a fee
34 or tax specifically dedicated to the operation of the system.)) If
35 federal or private grants or other funds appropriated by the
36 legislature are not sufficient to maintain the program, the department
37 may charge a fee as set forth in RCW 43.70.110(3)(d) for the operation
38 of the program.

1 **Sec. 2.** RCW 43.70.110 and 2011 c 35 s 1 are each amended to read
2 as follows:

3 (1) The secretary shall charge fees to the licensee for obtaining
4 a license. Physicians regulated pursuant to chapter 18.71 RCW who
5 reside and practice in Washington and obtain or renew a retired active
6 license are exempt from such fees. After June 30, 1995, municipal
7 corporations providing emergency medical care and transportation
8 services pursuant to chapter 18.73 RCW shall be exempt from such fees,
9 provided that such other emergency services shall only be charged for
10 their pro rata share of the cost of licensure and inspection, if
11 appropriate. The secretary may waive the fees when, in the discretion
12 of the secretary, the fees would not be in the best interest of public
13 health and safety, or when the fees would be to the financial
14 disadvantage of the state.

15 (2) Except as provided in subsection (3) of this section, fees
16 charged shall be based on, but shall not exceed, the cost to the
17 department for the licensure of the activity or class of activities and
18 may include costs of necessary inspection.

19 (3) License fees shall include amounts in addition to the cost of
20 licensure activities in the following circumstances:

21 (a) For registered nurses and licensed practical nurses licensed
22 under chapter 18.79 RCW, support of a central nursing resource center
23 as provided in RCW 18.79.202, until June 30, 2013;

24 (b) For all health care providers licensed under RCW 18.130.040,
25 the cost of regulatory activities for retired volunteer medical worker
26 licensees as provided in RCW 18.130.360; (~~and~~)

27 (c) For physicians licensed under chapter 18.71 RCW, physician
28 assistants licensed under chapter 18.71A RCW, osteopathic physicians
29 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
30 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
31 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
32 licensed under chapter 18.25 RCW, psychologists licensed under chapter
33 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
34 optometrists licensed under chapter 18.53 RCW, mental health counselors
35 licensed under chapter 18.225 RCW, massage therapists licensed under
36 chapter 18.108 RCW, clinical social workers licensed under chapter
37 18.225 RCW, midwives licensed under chapter 18.50 RCW(+) , licensed
38 marriage and family therapists under chapter 18.225 RCW(+) , and East

1 Asian medicine practitioners licensed under chapter 18.06 RCW, the
2 license fees shall include up to an additional twenty-five dollars to
3 be transferred by the department to the University of Washington for
4 the purposes of RCW 43.70.112; and

5 (d) For physicians licensed under chapter 18.71 RCW, physician
6 assistants licensed under chapter 18.71A RCW, osteopathic physicians
7 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
8 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
9 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, optometrists
10 licensed under chapter 18.53 RCW, dentists licensed under chapter 18.32
11 RCW, advanced registered nurse practitioners licensed under chapter
12 18.79 RCW, and pharmacists licensed under chapter 18.64 RCW, the
13 license fees may include up to an additional fifteen dollars to be used
14 by the department for the operation of the prescription monitoring
15 program authorized by chapter 70.225 RCW.

16 (4) Department of health advisory committees may review fees
17 established by the secretary for licenses and comment upon the
18 appropriateness of the level of such fees.

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