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**SENATE BILL 5446**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

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

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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