Agency: Health Care Authority

Effective date of rule:
- Permanent Rules
  - ☐ 31 days after filing.
  - ☒ Other (specify) October 1, 2021 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
- ☐ Yes  ☒ No  If Yes, explain:

Purpose: The agency is establishing rules regarding prescriber and pharmacist use of the qualified prescription drug monitoring program, as required by § 5042 of the SUPPORT for Patients and Communities Act (Public Law 115-271), prior to prescribing or dispensing scheduled drugs.

Citation of rules affected by this order:
- New: 182-530-1080
- Repealed:
- Amended:
- Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: Public Law 115-271

PERMANENT RULE (Including Expedited Rule Making)
Adopted under notice filed as WSR 21-06-097 on March 2, 2021 (date).
Describe any changes other than editing from proposed to adopted version:

<table>
<thead>
<tr>
<th>Proposed/Adopted</th>
<th>WAC Subsection</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed</td>
<td>WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers and pharmacists must take to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC, prior to prescribing a controlled substance or dispensing a controlled substance from an outpatient pharmacy.</td>
<td>Revised language to clarify that prescribers conduct their review before prescribing, and pharmacists conduct their check when dispensing.</td>
</tr>
<tr>
<td>Adopted</td>
<td>WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers must take before prescribing a controlled substance and...</td>
<td></td>
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the steps pharmacists must take when dispensing a controlled substance from an outpatient pharmacy to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC.

**WAC 182-530-1080**

| Proposed | (1) **PMP review required.** Except as identified in subsection (4) of this section, a prescriber or pharmacist must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health, before prescribing or dispensing a controlled substance. | Revised language to clarify when prescribers and pharmacists conduct their checks. |
| Adopted | (1) **PMP review required.** Except as identified in subsection (4) of this section, a prescriber, before prescribing, and a pharmacist, when dispensing, must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health. |

**WAC 182-530-1080**

| Proposed | (2) **Retrieval by delegates allowed.** A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or dispensing a controlled substance. | Added “when” before “dispensing” to better clarify the timing for the pharmacist’s check. |
| Adopted | (2) **Retrieval by delegates allowed.** A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or when dispensing a controlled substance. |

**WAC 182-530-1080**

| Proposed | (3) **Documentation.** The prescriber or pharmacist must document in the client's record the date and time of the:

  (a) Retrieval of information from the PMP; and | Revised this to say “prescriber and pharmacist” to clarify that both parties must conduct PMP checks. |

| Adopted | (3) **Documentation.** The prescriber or pharmacist must document in the client's record the date and time of the:

  (a) Retrieval of information from the PMP; and |
(b) Review of information from the PMP.

**Adopted**

(3) **Documentation.** The prescriber and pharmacist must document in the client's record the date and time of the:
   (a) Retrieval of information from the PMP; and
   (b) Review of information from the PMP.

**WAC 182-530-1080**

**Proposed**

(4) **Good faith effort exception.**
   (a) A prescriber, pharmacist, or their delegate must make a good faith effort to review a client's prescription drug history in the PMP.
   (b) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record.
   (c) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.

**Removed proposed subsection (a) because it is not needed and because delegates can only retrieve, not review PMP information.**

**Adopted**

(4) **Good faith effort exception.**
   (a) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record.
   (b) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.

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If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: N/A
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note:** If any category is left blank, it will be calculated as zero.
**No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute: New 1 Amended ___ Repealed ___
Federal rules or standards: New ____ Amended ____ Repealed ____
Recently enacted state statutes: New ____ Amended ____ Repealed ____
The number of sections adopted at the request of a nongovernmental entity:

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<tr>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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The number of sections adopted on the agency’s own initiative:

<table>
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<tr>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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<tr>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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The number of sections adopted using:

- Negotiated rule making: New ____ Amended ____ Repealed ____
- Pilot rule making: New ____ Amended ____ Repealed ____
- Other alternative rule making: New 1 Amended ____ Repealed ____

<table>
<thead>
<tr>
<th>Date Adopted: June 18, 2021</th>
<th>Signature: [Signature]</th>
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<tbody>
<tr>
<td>Name: Wendy Barcus</td>
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<tr>
<td>Title: HCA Rules Coordinator</td>
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</table>
NEW SECTION

WAC 182-530-1080 Requirements for prescribing and dispensing controlled substances—Prescription monitoring program (PMP). This section identifies the steps prescribers must take before prescribing a controlled substance and the steps pharmacists must take when dispensing a controlled substance from an outpatient pharmacy to check an apple health client's prescription drug history in the prescription monitoring program (PMP) described in chapter 246-470 WAC.

(1) PMP review required. Except as identified in subsection (4) of this section, a prescriber, before prescribing, and a pharmacist, when dispensing, must check all of a client's current prescriptions in the PMP, including any prescriptions not paid for by apple health.

(2) Retrieval by delegates allowed. A prescriber or pharmacist may delegate the retrieval of the client's PMP information to anyone in their practice setting with authorization to access the PMP, so long as the prescriber or pharmacist reviews all of the client's current prescriptions in the PMP before prescribing or when dispensing a controlled substance.

(3) Documentation. The prescriber and pharmacist must document in the client's record the date and time of the:
   (a) Retrieval of information from the PMP; and
   (b) Review of information from the PMP.

(4) Good faith effort exception.
   (a) If a prescriber, pharmacist, or their delegate is unable to access the client's record in the PMP after a good faith effort, that attempt must be documented in the client's record.
   (b) A prescriber or pharmacist must document the reason or reasons they were unable to conduct the check.