

2 **SHB 1469** - S COMM AMD

3 By Committee on Health & Long-Term Care

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 69.50.308 and 1993 c 187 s 19 are each amended to  
8 read as follows:

9 (a) A controlled substance may be dispensed only as provided in  
10 this section.

11 (b) Except when dispensed directly by a practitioner authorized to  
12 prescribe or administer a controlled substance, other than a pharmacy,  
13 to an ultimate user, a substance included in Schedule II may not be  
14 dispensed without the written prescription of a practitioner.

15 (1) Schedule II narcotic substances may be dispensed by a pharmacy  
16 pursuant to a facsimile prescription under the following circumstances:

17 (i) The facsimile prescription is transmitted by a practitioner to  
18 the pharmacy; and

19 (ii) The facsimile prescription is for a patient in a long-term  
20 care facility. "Long-term care facility" means nursing homes licensed  
21 under chapter 18.51 RCW, boarding homes licensed under chapter 18.20  
22 RCW, and adult family homes licensed under chapter 70.128 RCW; or

23 (iii) The facsimile prescription is for a patient of a hospice  
24 program certified or paid for by medicare under Title XVIII; or

25 (iv) The facsimile prescription is for a patient of a hospice  
26 program licensed by the state; and

27 (v) The practitioner or the practitioner's agent notes on the  
28 facsimile prescription that the patient is a long-term care or hospice  
29 patient.

30 (2) Injectable Schedule II narcotic substances that are to be  
31 compounded for patient use may be dispensed by a pharmacy pursuant to  
32 a facsimile prescription if the facsimile prescription is transmitted  
33 by a practitioner to the pharmacy.

34 (3) Under (1) and (2) of this subsection the facsimile prescription  
35 shall serve as the original prescription and shall be maintained as  
36 other Schedule II narcotic substances prescriptions.

1 (c) In emergency situations, as defined by rule of the state board  
2 of pharmacy, a substance included in Schedule II may be dispensed upon  
3 oral prescription of a practitioner, reduced promptly to writing and  
4 filed by the pharmacy. Prescriptions shall be retained in conformity  
5 with the requirements of RCW 69.50.306. A prescription for a substance  
6 included in Schedule II may not be refilled.

7 (d) Except when dispensed directly by a practitioner authorized to  
8 prescribe or administer a controlled substance, other than a pharmacy,  
9 to an ultimate user, a substance included in Schedule III or IV, which  
10 is a prescription drug as determined under RCW 69.04.560, may not be  
11 dispensed without a written or oral prescription of a practitioner.  
12 Any oral prescription must be promptly reduced to writing. The  
13 prescription shall not be filled or refilled more than six months after  
14 the date thereof or be refilled more than five times, unless renewed by  
15 the practitioner.

16 (e) A valid prescription or lawful order of a practitioner, in  
17 order to be effective in legalizing the possession of controlled  
18 substances, must be issued in good faith for a legitimate medical  
19 purpose by one authorized to prescribe the use of such controlled  
20 substance. An order purporting to be a prescription not in the course  
21 of professional treatment is not a valid prescription or lawful order  
22 of a practitioner within the meaning and intent of this chapter; and  
23 the person who knows or should know that the person is filling such an  
24 order, as well as the person issuing it, can be charged with a  
25 violation of this chapter.

26 (f) A substance included in Schedule V must be distributed or  
27 dispensed only for a medical purpose.

28 (g) A practitioner may dispense or deliver a controlled substance  
29 to or for an individual or animal only for medical treatment or  
30 authorized research in the ordinary course of that practitioner's  
31 profession. Medical treatment includes dispensing or administering a  
32 narcotic drug for pain, including intractable pain.

33 (h) No administrative sanction, or civil or criminal liability,  
34 authorized or created by this chapter may be imposed on a pharmacist  
35 for action taken in reliance on a reasonable belief that an order  
36 purporting to be a prescription was issued by a practitioner in the  
37 usual course of professional treatment or in authorized research.

1 (i) An individual practitioner may not dispense a substance  
2 included in Schedule II, III, or IV for that individual practitioner's  
3 personal use.

4 NEW SECTION. **Sec. 2.** RCW 69.50.307 (Order forms) and 1971 ex.s.  
5 c 308 s 69.50.307 are each repealed."

6 **SHB 1469** - S COMM AMD  
7 By Committee on Health & Long-Term Care

8

9 On page 1, line 1 of the title, after "prescriptions;" strike the  
10 remainder of the title and insert "amending RCW 69.50.308; and  
11 repealing RCW 69.50.307."

--- END ---