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ENGROSSED HOUSE BILL 1538

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Morrell, Angel, Green, Ryu, Jinkins, and Pollet

Read first time 01/30/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the safe practice of public health nurses  
2 dispensing certain medications; and adding a new section to chapter  
3 70.05 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW  
6 to read as follows:

7 (1) A registered nurse who is licensed under chapter 18.79 RCW, and  
8 who is an employee of a local health department or district or a clinic  
9 or facility under contract with a local health department or district,  
10 may dispense a drug or device for purposes of prevention or treatment  
11 of a communicable disease or family planning.

12 (2) Such dispensing must be pursuant to the order of a person  
13 authorized to prescribe a drug or device in the state of Washington.

14 (3) The local health officer must establish policies and procedures  
15 that include the following:

16 (a) Procedures for drug dispensing, documentation storage,  
17 security, and accountability;

18 (b) Maintenance of all drug records required by federal and state  
19 law.

1 (4) A drug may only be dispensed by a practitioner authorized by  
2 law to prescribe the drug or by a registered nurse licensed under  
3 chapter 18.79 RCW, and must be dispensed in a container complying with  
4 the federal poison prevention packaging act unless the patient requests  
5 a noncomplying container. A registered nurse may only dispense a drug  
6 or device for purposes of prevention or treatment of a communicable  
7 disease or family planning. Each drug that is dispensed must be  
8 labeled with the following:

9 (a) Name of patient;

10 (b) Name of prescriber;

11 (c) Name, address, and phone number of the clinic;

12 (d) Date of dispensing;

13 (e) Name and strength of the drug. If the drug does not have a  
14 brand name, then the generic name of the drug and the drug manufacturer  
15 must be stated;

16 (f) Directions for use;

17 (g) Initials of the person dispensing;

18 (h) Cautionary statements, if any, as required by law;

19 (i) Manufacturer's expiration date, or an earlier date if  
20 preferable, after which the patient should not use the drug.

21 A drug information fact sheet must accompany each drug dispensed from  
22 a local health department or district or clinic or facility under  
23 contract with a local health department or district.

24 (5) A drug repackaged for dispensing must be in a container meeting  
25 United States pharmacopeia standards and labeled to identify at a  
26 minimum:

27 (a) Brand name, or generic name and manufacturer;

28 (b) Strength;

29 (c) Lot number;

30 (d) Manufacturer's expiration date or an earlier date if  
31 preferable. An internal control number that references manufacturer  
32 and lot number may be used.

33 (6) In the absence of a dispensing practitioner or a registered  
34 nurse, drugs must be kept in a locked drug cabinet or drug room which  
35 is sufficiently secure to deny access to unauthorized persons. Only  
36 dispensing practitioners and registered nurses may have access to the  
37 drug cabinet or drug room. In their absence, the drug cabinet or drug  
38 room must remain locked. All drugs must be stored in areas that will

1 assure proper sanitation, temperature, light, ventilation and moisture  
2 control as recommended by the manufacturer. Drugs that are outdated,  
3 damaged, deteriorated, misbranded, or adulterated must be quarantined  
4 and physically separated from other drugs until they are destroyed or  
5 returned to their supplier.

6 (7) A dispensing record must be maintained separately from the  
7 patient chart and kept for a minimum of three years. The record must  
8 show, at a minimum, the following:

9 (a) Name of patient;

10 (b) Brand name of drug, or generic name and name of manufacturer or  
11 distributor;

12 (c) Amount dispensed;

13 (d) Date;

14 (e) Initials of person dispensing the prescription.

15 All records of receipt and disposal of drugs must be kept for a minimum  
16 of three years. All records required by these rules or by federal and  
17 state law must be readily retrievable for inspection by the board of  
18 pharmacy.

19 (8) Notwithstanding any other requirements in this section, when a  
20 drug is dispensed in the practice of the expedited partner therapy  
21 treatment protocol, the name of the patient may be omitted from the  
22 label, the patient's name may be omitted from the records and a drug  
23 may be dispensed to the patient to be given to the patient's partner  
24 even if the partner has not been examined by a licensed health care  
25 provider acting within his or her scope of practice.

26 (9) The board of pharmacy may adopt rules necessary to implement  
27 this section.

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