
SENATE BILL 5934

State of Washington 63rd Legislature 2013 1st Special Session

By Senator Parlette

Read first time 05/15/13. Referred to Committee on Health Care .

1 AN ACT Relating to the referral process in the pharmacy profession;
2 adding a new section to chapter 18.64 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that patient safety
5 and service are essential components of a successful health care
6 system. Recognizing the limitations of individual providers and
7 resources, it is not possible for each health care provider to offer
8 every possible service to every patient in a safe and timely manner.
9 To that end, there has been a long tradition in all areas of the health
10 care field to utilize a referral process in order to effectively
11 connect a patient with the services he or she needs. In order to
12 facilitate safe, timely, medically appropriate, and efficient patient
13 care, the legislature finds that a standardization of the referral
14 process in the pharmacy profession is in the best interests of
15 patients, pharmacies, and pharmacists.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.64 RCW
17 to read as follows:

18 (1) Pharmacies and pharmacists have a duty to facilitate the

1 delivery of lawfully prescribed and medically appropriate drugs or
2 devices and those approved for restricted distribution by pharmacies,
3 to patients in a timely manner, except under the following
4 circumstances:

5 (a) Prescriptions containing obvious or known errors, inadequacies
6 in the instructions, known contraindications, or incompatible
7 prescriptions;

8 (b) Potentially fraudulent prescriptions; and

9 (c) National or state emergencies or guidelines affecting
10 availability, usage, or supplies of drugs or devices.

11 (2) A pharmacy or pharmacist fulfills the duty to facilitate the
12 delivery of a lawfully prescribed and medically appropriate drug or
13 device if, when presented with a lawful, medically appropriate
14 prescription or request for distribution, a pharmacy or pharmacist:

15 (a) Dispenses or delivers the lawfully prescribed and medically
16 appropriate drug or device or a therapeutically equivalent alternative
17 drug or device;

18 (b) Facilitates the patient's access to the lawfully prescribed and
19 medically appropriate drug or device by referring the patient to a
20 pharmacy or other appropriate health care provider to provide the drug
21 or device. To complete the referral, the referring pharmacy or
22 pharmacist must contact the provider of the patient's choice to confirm
23 that the drug or device is available, and communicate the prescription
24 to the new provider; or

25 (c) Returns the unfilled prescription if the patient or the
26 patient's caregiver objects to a referral.

27 (3) Nothing in this section requires a pharmacy to deliver a drug
28 or device without payment of its usual and customary or contracted
29 charge.

30 (4) A pharmacy or pharmacist may not be disciplined or
31 discriminated against in employment or professional privileges for
32 referring a patient to another provider in lieu of dispensing a drug or
33 device so long as the pharmacy or pharmacist has complied with the
34 requirements of this section.

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