

# STATE OF WASHINGTON Pharmacy Quality Assurance Commission

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## February 3, 2023 Weekly Legislative Review Agenda

Time: 12:00 p.m.

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1. Call to Order

a. Roll Call

2. PQAC Bill Report

3. Public Comment Period

#### **Questions contact:**

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#### Meeting Adjourned/Closed.

Accessibility: This meeting is accessible to persons with disabilities. Special aids and services can be made available upon advance request. Requests must be made no later than five (5) days prior to the meeting. If you would like general information about this meeting, please call (360) 236-4946. If you need assistance with special services, you may leave a message with that request at 1-800-525-0127 or if calling outside Washington State call (360) 236-4052. TDD may be accessed by calling the TDD relay service at 711. If you need assistance due to a speech disability, Speech-to-Speech provides human voices for people with difficulty being understood. The Washington State Speech to Speech toll free access number is 1-877- 833-6341.

### **Link to Washington State Legislature Bill Information 2023**

January 9, 2023 – First day of session.

February 17, 2023 – Policy Committee Cutoff. Next cutoff

February 24, 2023 – Fiscal Committee Cutoff.

March 8, 2023 – House of Origin Cutoff.

March 29, 2023 – Policy Committee Cutoff – Opposite House.

April 4, 2023 – Fiscal Committee Cutoff – Opposite House.

April 12, 2023 – Opposite House Cutoff.

April 23, 2023 – Sine die. Last day allowed for regular session under state

constitution.

TVW - <a href="http://www.tvw.org/">http://www.tvw.org/</a>

Bills That Merit A	active Involvement/In	put	
Bill # /Companion	Short Title	Brief Description	Committee Action (subject to change)
<u>SB 5271</u> <u>HB 1434</u>	Uniform Facilities Enforcement Framework	This legislation extends the enforcement tools enacted in 2020 and 2021 for psychiatric and acute care hospitals to all facilities the department regulates. Our current enforcement options for most facilities are limited to denying, suspending, or revoking a license. This bill adds:  • Immediate enforcement tools, such as stop placement, limited stop placement, limited stop service, and reasonable conditions, to address violations that constitute immediate jeopardy, including when a facility refuses to comply with an investigation. Immediate jeopardy is defined as a situation in which the facility has placed patients in its care at risk for serious injury, serious impairment, or death.  • Intermediate tools to address repeat violations to bring facilities into compliance with regulations. These tools, including reasonable conditions and civil fines, are intended to be used after the department's initial informal process of issuing a statement of deficiencies and a facilities' plan of correction fail to ensure the violation does not occur again.  The legislation also ensures the authority to issue cease and desist orders and injunctions for unlicensed operation of a facility is consistent for all facilities the department regulates.	SB 5271 Sponsors: Senators Cleveland and Robinson, by request of the Department of Health Introduced (Senate): 1/11/2023, referred to the Senate Health & Long Term Care Committee Public hearing (Senate): 1/26/2023  HB 1434 Sponsors: Representatives Thai and Riccelli, by request of the Department of Health Introduced (House): 1/18/2023, referred to House Health Care & Wellness Committee.

Bills That Merit A	Active Involvement/In	put	
Bill # /Companion	Short Title	Brief Description	Committee Action (subject to change)
HB 1665	Pharmacist scope- of-practice and drug therapy	This bill amends RCW 18.64.011 and adds a new section to chapter 18.64 RCW expanding the scope-of-practice for licensed pharmacists to initiate treatment for certain health conditions without the need for a collaborative drug therapy agreement (CDTA) or other written protocol and order and interpret CLIA-waived tests without a drug therapy and diagnosis.  Section 1 of the bill amends RCW 18.64.011(28) to expand the definition for "Practice of pharmacy" to include the responsibility for "ordering, administering, reviewing, or interpreting" tests for certain health conditions approved by the FDA and waived under CLIA without a CDTA or a drug therapy and diagnosis. The definition is further expanded to allow pharmacists to initiate or modify drug therapy for certain health conditions without a CDTA. Drug therapy must be initiated or modified in accordance with written guidelines, protocols, or a CDTA if the health condition being treated is <i>not</i> described in Section 2 of the bill.  Section 2 defines a health condition as "typically a short-term health condition that is generally managed with noncontrolled drug therapies, minimal treatment, or self-care." Pharmacists may use any waiver-qualifying test—per Medicare and Medicaid guidelines—to guide clinical decision making and may delegate the administering of those tests in Section 2 to an intern or pharmacy technician acting under their supervision.	HB 1665 Sponsors: Stonier, Santos, and Pollet Introduced (House): 1/30/2023, referred to House Health Care & Wellness Committee
SHB 1009	Military spouse employment	The Military Spouse Employment Act creates occupational flexibility for military spouses, 34 to 50 percent of whom work in fields requiring a professional license. RCW 180.340.020 is amended to streamline the process by which licensing authorities may expedite the issuance of a license to a qualified applicant who is also a military spouse.  Section 5 of the bill also mandates training for each board or commission member on "the culture of military spouses, the military spouse experience, and issues related to military spouse career paths." Boards and commissions are encouraged to appoint a military spouse to serve on its licensing board or commission.	HB 1009 Sponsors: Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli, and Ormsby Executive session (House): 1/13/2023, substitute version introduced and passed as current

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		The bill would also create a military spouse assistance web page (Section 6), require the department to develop a campaign with local business associations and chambers of commerce to increase military spouse employment (Section 8), and allow military spouses to terminate their own employment more easily in cases of a permanent change of station for their spouse (Section 9).  The substitute version added definitions for completed applications and elaborated on penalties incurred. SHB 1009 also included a date of October 1, 2023 for the bill to "take effect."	version. Referred to Appropriations Committee (1/17) Public hearing (House Appropriations): 1/30/2023 Executive session (House Appropriations): 2/2/2023		
HB 1041	Prescriptive authority of psychologists.	Due to an identified "lack of prescribers comfortable with prescribing psychiatric medications to support the behavioral health needs of the state," this bill authorizes successfully credentialed psychologists to prescribe psychotropic medications.  Section 2 of the bill revises and adds numerous definitions to the RCW 18.83.010 to accommodate the proposed action while Sections 3 and 4 create and grant prescriptive authority to credentialed psychologists in statute.  Of note to the commission is Section 6(6) which requires the examining board of psychology to transmit a list of prescribing psychologists and update or modify the list as necessary going forward.	HB 1041 Sponsors: Representatives Bateman, Macri, Ryu, and Simmons Pre-file (House): 12/15/2022. Introduced (House): 1/9/2023, referred to the House Health Care & Wellness Committee. Public hearing (House): 1/13/2023		
HB 1275 SB 5308	Athletic trainers scope-of-practice	Under Subsection 2(1), this bill amends RCW 18.250.110 and clarifies the current medication laws by allowing athletic trainers to purchase, store, and administer medications in accordance with their pharmacological education and training. Previous legislation inadvertently limited athletic trainers to specific over-the-counter topical medications. This language removes this unnecessary limitation.  The bill also adds language clarifying the definitions for "athlete," "athletic injury," and "athletic trainer" under RCW 18.25.010 to align with other states and national organizations.	HB 1275 Sponsors: Representatives Thai, Harris, and Riccelli Introduced (House): 1/12/2023, referred to House Health Care & Wellness Committee Public hearing (House): 1/25/2023 Executive session (House): 2/1/2023		

Bill # /Companion	Short Title	Brief Description	Committee Action (subject to change)
			SB 5308 Sponsors: Senators Cleveland and Rivers Introduced (Senate): 1/12/2023, referred to Health & Long Term Care Committee Public hearing (Senate): 1/26/2023 Executive session (Senate): 2/2/2023
HB 1546	Good Faith Pain Act	This bill establishes protections for various health care professions "acting in good faith" in prescribing or dispensing opioid drugs "for legitimate medical purposes in the course of professional practice." The covered professions include pharmacists, dentists, physicians, physician assistants, advanced registered nurse practitioners, podiatric physicians and surgeons, and osteopathic physicians and surgeons.	HB 1546 Sponsors: Representatives Caldier, Jacobsen, and Hutchins Introduced (House): 1/24/2023, referred to House Health Care & Wellness Committee
HB 1547	Out-of-state providers	HB 1547 adds a new section to Title 18 RCW authorizing out-of-state health care providers to practice in Washington. Upon submission, a health care entity shall submit the following information: health care provider's name, health care provider's residential address, the state or territory where the health care provider holds an active license and license number, the health care provider's email address.  A signed attestation is also required to confirm the provider holds a current and active license in another state or United States territory, the health care provider's license in all jurisdictions where a license is held, has not been encumbered, and there are no liability or malpractice insurance claims or pending lawsuits against the health care provider, and the health care provider will be practicing at a health care entity in Washington.	HB 1547 Sponsors: Representatives Caldier, Christian, Volz, Eslick, Hutchins, and Graham Introduced (House): 1/24/2023, referred to House Health Care & Wellness Committee Public hearing (House): 1/31/2023
		A health care provider must maintain an active and unencumbered license in another state or United States territory at all times while practicing in this state.	

Bills That Merit A	Bills That Merit Active Involvement/Input				
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		Also, the health care entity shall be responsible for the actions or inactions of the health care provider.			
HB 1678	Dental therapy	The bill creates dental therapists as a new profession under Title 18 RCW. Discipline would be under the authority of the Dental Quality Assurance Commission. Approval of licensing examinations would be the responsibility of the Dental Hygiene Examining Committee. A dental therapist must practice under the supervision of a dentist and with a written practice plan contract which must be filed with the Department of Health.  The bill details the scope of practice, and restricts the practice settings for dental therapists, along with requirements for supervision and a practice plan contract with a supervising dentist.	HB 1678 Sponsors: Representatives Riccelli, Lekanoff, Stonier, Morgan, Bateman, Macri, Ormsby, Slatter, Entenman, Ramos, Peterson, Tharinger, Chopp, Ryu, Pollet, Davis, Harris, Taylor, Simmons, Kloba, and Gregerson Introduced (House): 1/30/2023, referred to House Health Care & Wellness Committee		
SB 5120 SSB 5120	23-hour crisis receiving centers	This bill would establish 23-hour crisis receiving centers (CRCs) in Washington State. The purpose of CRCs is to address the mental and physical health needs of people in crisis.  CRC is defined in RCW 71.24.025 per Section 1, and Section 2 describes the various roles that a CRC would fulfill, including but not limited to: Offering walk-in options and drop-off options for first responders, provide services to address mental health and substance use crisis issues, screen all individuals for suicide risk and violence risk, etc.  Of interest to the commission is that CRCs are eligible to obtain an HCE license, which would have some effect on licensure management and inspection practices.  The substitute version of the bill specifies that the service is only for adults and establishes record-keeping requirements for facilities to track declined admissions (making the information available to the department). SSB 5120 also requires a prescriber for the facility and the ability to dispense medications.	l -		

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SB 5263	Psilocybin services	This bill establishes psilocybin services for the purpose of behavioral health treatment. Like the 2022 version, SB 5660, this legislation establishes a psilocybin advisory board (Section 6) to develop a psilocybin program over a period of two years and provide information to the department on request. Departmental jurisdiction over this program will not be shared with PQAC (Section 8).  The 2023 bill adds to the previous year version by proposing a Client Bill of Rights (Section 88) to protect individuals that use the psilocybin program as well as legal protections for medical and healthcare personnel, clients, and primary caregivers for sharing information about psilocybin services (Section 93). Additional regulatory elements are also applied to the psilocybin service facilitator position.	SB 5263 Sponsors: Senators Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, C. Wilson, Kuderer, Keiser, Liias, Van De Wege, and Frame Introduced (Senate): 1/11/2023, referred to the Senate Labor & Commerce Committee. Public hearing (Senate): 1/30/2023		
<u>SB 5389</u> <u>PSSB 5389</u>	Optometry scope- of-practice	This is a scope-of-practice bill for optometry updated from last year's version (SHB 5542). The bill amends RCW 18.53.010 expanding the optometrist scope of practice to include limited, but mostly undefined, ophthalmic surgical procedures and injections. The bill also adds drug prescribing and administering rights. The expanded scope is further defined through a list of prohibited ophthalmic surgical procedures. The board must adopt rules (sole authority) to define authorized procedures, additional drug privileges and guidelines, and required education, training and testing to ensure optometrists are qualified to practice under the expanded scope.	SB 5389 Sponsors: Senators Cleveland, Rivers, Robinson, Van De Wege, Conway, Holy, Schoesler, L. Wilson, Lovick, Randall, and C. Wilson Introduced (Senate): 1/16/2023, referred to Senate Health & Long Term Care Committee Public hearing (Senate): 1/31/2023		
<u>SB 5411</u>	Naturopaths scope- of-practice	The bill expands the prescriptive authority for naturopathic physicians to include all legend drugs and controlled substances in schedule II, III, IV, and V of the uniformed controlled substances act. Licensees who desire to prescribe these medications must complete education and training requirements established by the Board of Naturopathy and register with the prescription monitoring program. The bill also updates other drug statutes by adding naturopathic physicians.	SB 5411 Sponsors: Senators Short, Randall, Robinson, Shewmake, Valdez, Warnick, C. Wilson, and R. Wilson Introduced (Senate): 1/17/2023, referred to Senate Health & Long Term Care Committee		

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		The bill changes the references of "naturopaths" to "naturopathic physicians". It permits a naturopath to sign and attest to any certificates, cards, forms, or other required documentation that a physician may sign, so long as it is within the naturopathic physician's scope of practice. These changes support increasing primary care service availability.	
SB 5481	Uniform Telemedicine Act	This bill proposes the creation of a new section or sections of statute for the purpose of allowing health care practitioners to provide telemedicine services to patients. Providers using telemedicine services must comply with health care practices regulated by state and federal law and in compliance with professional practice standards applicable to the health care practitioner.  SB 5481 also allows for the registration of out-of-state health care practitioners by relevant disciplining authorities listed under RCW 18.130.040. Out-of-state practitioners must complete a form provided by the disciplining authority to register under the proposed statutory language. Section 7 of the bill establishes qualifying requirements such as active license status, five years without any disciplinary action taken, and registration fees. Following sections outline the conditions by which disciplinary actions may be taken (Section 8), reporting requirements by the practitioner to the disciplinary authority (Section 9), and venue restrictions for practitioners providing telemedicine services (Section 10).	SB 5481 Sponsors: Senators Cleveland and Pedersen Introduced (Senate): 1/19/2023, referred to Senate Health & Long Term Care Committee Public hearing (Senate): 2/2/2023
<u>SB 5536</u>	Concerning controlled substances, counterfeit substances, and legend drug possession	This bill amends sections in chapters 69.50 RCW, 9.96 RCW, 36.70A RCW, and 71.24.590, and adds new sections to chapters 69.50 RCW, 71.24 RCW, and 43.330 RCW relating to justice system and behavioral health responses for persons "experiencing circumstances" involving controlled substances, counterfeit substances, legend drugs, and drug paraphernalia.  The term "knowingly" is added to actions around the aforementioned substances and language is included in the first four sections to divert criminal justice actions to behavioral treatment options. Section 10 of the bill requires the department to adopt rules by December 31, 2023 to allow substance use disorder treatment programs to establish off-site medication units (free-standing, collocated in a	SB 5536 Sponsors: Senators Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Nobles, Randall, Stanford, Wellman, and C. Wilson. Introduced (Senate): 1/23/2023, referred to Senate Law & Justice Committee

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		community setting such as a hospital, or a mobile medication unit). These units are classified as essential public facilities in Section 11.		
SB 5624	Substance use recovery services advisory committee recommendations	<ul> <li>SB 5624 focuses on the Substance Use and Recovery Services Advisory Committee (SURSAC) and the language of the bill proposes implementing the following recommendations made by the committee: <ul> <li>Decriminalization of possession of a personal amount of counterfeit substance, controlled substance, or legend drug for persons 21+: Encourages prosecutors to opt to send individuals for assessment and treatment and changes certain felony charges to misdemeanors. Declares State of WA to fully regulated entire field of drug paraphernalia regulation and limits local government authority.</li> <li>Provides legal advocacy for parents affected by behavioral health issues in dependency and child custody cases.</li> <li>Funds, promotes and establishes training for recovery residences: HCA must provide grants and vouchers and develop trainings. Recovery residences become tax exempt.</li> <li>Training for parents of children with SUD and caseworkers: DCYF must develop a training, make opioid overdose reversal medications available to parents and caseworkers.</li> <li>Data support for Recovery Navigator Program: HCA must develop and implement a data integration platform for practitioners, establish a QA process for BH-ASOs, and contract with WA state institute for public policy to report on long-term effectiveness of the recovery navigator program.</li> <li>Establishes health engagement hubs: DOH or HCA must write licensing standards and HCA must develop a payment structure.</li> <li>Education and employment: HCA must provide grants to supportive programs that help persons with SUD with employment.</li> <li>Establishes a statewide directory of recovery services: Subject to funding, DOH must contract with a vendor to provide a "dynamically updated" tool to map and direct individuals to treatment and recovery support services.</li> </ul> </li> </ul>	SB 5624 Sponsors: Senators Dhingra, Kuderer, Nguyen, Saldaña, Lovelett, Wellman, Nobles, Valdez, and C. Wilson Introduced (Senate): 1/30/2023, referred to Senate Law & Justice Committee	

Bills That Merit Ac	Bills That Merit Active Involvement/Input			
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		<ul> <li>Intends to fund crisis stabilization units, mobile crisis response, recovery navigator programs, and law enforcement assisted diversion.</li> <li>Establishes a HCA workgroup to streamline SUD treatment intakes/assessments with goal to broaden workforce capable of conducting intakes.</li> <li>Establishes a safe-supply workgroup with members appointed by the governor.</li> <li>OTP licensure: explicitly adds OTPs to the list of essential public facilities. Prohibits cities, in addition to counties, for setting capacity limits. Removes the requirements for the department to hold a public hearing. Adds mobile or fixed-site medication units to the definition of OTP. Establishes a Department of Commerce program to fund additional OTPS.</li> </ul>		

Additional Bills	to Watch (Not in PQAC.	Jurisdiction)
Bill # /Companion	Short Title	Committee Action (subject to change)
<u>HB 1006</u>	Expanding access to drug testing equipment.	HB 1006 Sponsors: Representatives Orwall, Mosbrucker, Goodman, Davis, Hackney, Simmons, Griffey, Peterson, Leavitt, Ryu, Bateman, Reed, Graham, Ramel, Pollet, Doglio, Rude, Macri, Caldier, Reeves, Wylie, Gregerson, Kloba, Riccelli, Farivar, Fosse Introduced (House): 01/09/2023, referred to House Community Safety, Justice, & Reentry Committee Public Hearing (House): 1/9/2023 Executive Session (House): 1/19/2023, referred to Rules 2 Review (1/23/2023)
HB 1269	Prescription drug affordability board	HB 1269 Sponsors: Representatives Riccelli, Stonier, and Marci; by request of Health Care Authority Introduced (House): 1/12/2023, referred to House Health Care & Wellness Committee Public hearing (House): 2/1/2023
HB 1452	State Medical Reserve Corps Act	HB 1452 Sponsors: Representatives Timmons and Harris Introduced (House): 1/19/2023, referred to House Health Care & Wellness Committee Public Hearing (House): 1/24/2023

Additional Bills	Additional Bills to Watch (Not in PQAC Jurisdiction)		
Bill # /Companion	Short Title	Committee Action (subject to change)	
		Executive Session (House): 1/25/2023, substitute version approved with a "do pass" recommendation. Referred to Appropriations (1/27).	
SB 5022	Exempting fentanyl testing equipment from the definition of drug paraphernalia.	SB 5022 Sponsors: Senators Muzzall and Cleveland Pre-file (Senate): 12/6/2022. Introduced: 1/9/2023, referred to Senate Law & Justice Committee	
<u>SB 5035</u>	Amending drug possession classifications.	SB 5035 Sponsors: Senators Padden, Fortunato, Short, J. Wilson, Schoesler, Warnick, Dozier, and Wagoner Pre-file (Senate): 12/8/2022. Introduced (Senate): 1/9/2023, referred to Senate Law & Justice Committee	
<u>SB 5179</u>	Death with Dignity Act	Sponsors: Senators Pedersen, King, Cleveland, Dhingra, Frame, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nobles, Robinson, Saldaña, Stanford, Valdez, Van De Wege, Wellman, and C. Wilson Pre-file (Senate): 1/5/2023 Introduced (Senate): 1/9/2023, referred to Senate Health & Long Term Care Committee Public hearing (Senate): 2/2/2023	
<u>SB 5367</u>	Regulation of products with THC	Sponsors: Senators Robinson, Schoesler, Conway, Dozier, Keiser, Saldaña, and Wellman, by request of the Liquor and Cannabis Board Introduced (Senate): 1/13/2023, referred to Senate Labor & Commerce Committee Public hearing (Senate): 1/30/2023	
<u>SB 5467</u>	Treatment for possession of certain counterfeit drugs or controlled substances	SB 5467 Sponsors: Senators Salomon, Lovick, Cleveland, Mullet, Rolfes, Wellman, Keiser, Kauffman, Conway, Hunt, Holy, Braun, L. Wilson, Liias, Van De Wege, and Gildon Introduced (Senate): 1/19/2023, referred to Senate Law & Justice Committee	

Dead/dormant	Dead/dormant Bills (relevant if needed to pass the budget)		
Bill # /Companion	Short Title	Bill Summary	
	Concise name of proposed bill.	Bill analysis info and other context relevant to the commission.	
SB XXXX			