PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: November 07, 2023
TIME: 2:18 PM

WSR 23-23-051

Agency: Department of Health – Pharmacy Quality Assurance Commission

Subject of possible rule making: Prescription transfers. The Pharmacy Quality Assurance Commission (commission) is considering amending WAC 246-945-345 and potentially establishing a new section in chapter 246-945 WAC to clarify the expectation of pharmacies related to prescription transfers upon patient request. Other amendments to facilitate the timely transfer of prescription may also be considered.

Statutes authorizing the agency to adopt rules on this subject: RCW 18.64.005

Reasons why rules on this subject may be needed and what they might accomplish: The commission received feedback from interested parties about challenges obtaining requested prescription transfers permitted by WAC 246-945-345(2) and voted to consider rulemaking to address the concerns at the March 2, 2023 business meeting. WAC 246-945-345(2) states that upon patient request, prescriptions "may be transferred." The term "may" makes the provision difficult to enforce. The commission is considering amending the provision to make the prescription transfer required upon request, rather than optional. The commission may also consider further amendments to facilitate the timely transfer of prescriptions.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Drug Enforcement Administration (DEA) is the federal agency responsible for regulating controlled substances, including controlled substance prescription transfers. WAC 246-945-345(2) only relates to noncontrolled prescription transfers. There is no other state or federal agency that regulates noncontrolled prescription transfers. If the commission were to make other changes related to controlled substance prescription transfers, it would ensure that it would not create a direct conflict with DEA regulation on the same topic. The DEA enforces its rules independently of the commission.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Collaborative rule-making

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Julia Katz	Name:
Address: PO Box 47852, Olympia, WA 98504-7852	Address:
Phone: 360-791-1167	Phone:
Fax:	Fax:
TTY: 711	TTY:
Email: PharmacyRules@doh.wa.gov	Email:
Web site:	Web site:
Other:	Other:

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rulemaking notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to: https://public.govdelivery.com/accounts/WADOH/subscriber/new, click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."	
Date: 10/3/2023 **Name:** Ken Kenyon, PharmD, BCPS **Title:** Pharmacy Quality Assurance Commission Chair	**Signature:**