LEGAL SHORTS

Presented by Lee Roy A. Espou, Pharm.D.

DISCLOSURE
I do not have any relationships, assumed or actual, that may present as a conflict of interest.

DISCLOSURE PART DEUX
I am not a lawyer. This is not legal advice.
GAME PLAN
- Background
- Law ReWrite
- How to find information
- New items for technicians
- Beyond the horizon

ABOUT THE PRESENTER
- Originally from Southern California
- Graduated from WSU College of Pharmacy and Pharmaceutical Sciences
  - Class of 2021
- Experience in pharmacy benefit management
- Community Pharmacy since 2018
- Current academic fellow at WSU

WHAT MAKES ME QUALIFIED TO TALK TO YOU TODAY REGARDING PHARMACY LAW?
OBJECTIVES

- By the end of this presentation participants will be able to:
- Identify the differences between administrative, criminal, and civil law
- Define the difference between a RCW and a WAC
- Discuss why pharmacy law went through a rewrite
- Describe how WAC 246-945-315 applies to pharmacy technician practice

WHAT HAPPENS IF YOU BREAK THE LAW?
Types of Law

Criminal
- State/Government vs Person
- Penalty: Incarceration or fine or both
- Evidence: Beyond reasonable doubt

Administrative
- PQAC or other administrative agency vs individual or corporation
- Penalty: Action or restriction against license
- Evidence: Clear and Convincing

Civil

FSMB: Spreading COVID-19 Vaccine Misinformation May Put Medical License at Risk

WASHINGTON, D.C. (July 26, 2021) – The Federation of State Medical Boards' Board of Directors released the following statement in response to a dramatic increase in the dissemination of COVID-19 vaccine misinformation and disinformation by physicians and other health care professionals on social media platforms, online and in the media.

FSMB | FSMB: Spreading COVID-19 Vaccine Misinformation May Put Medical License at Risk
CIVIL LAW

- Person vs Person or Person vs Company
- Penalty: Fine
- Evidence: Preponderance of evidence

RCW VS WAC

RCW – Revised Code of Washington
  - Statutes passed by legislature or by vote of the people

WAC – Washington Administrative Code
  - Rules created by agencies via authority of the statutes

Definition of RCW (wa.gov)
Washington Administrative Code (WAC)

RCW 18.64.XXX AND 18.64A.XXX

Pharmacy Commission

Relevant RCWs

- Chapter 18.64A RCW
- Chapter 18.64 CWC
- Chapter 18.64A CWC
- Chapter 18.65 CWC

https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PharmacyCommission/Laws/RCWs
WAC 246-945-XXX
Pharmacy Commission
Pharmacy Commission Laws and Rules

10/1/2021
THE RULES RE-WRITE

19

How do you currently feel about the new rules?
Answered: 24  Skipped: 0

Why was it done?
• Modernize the rules
• Remove redundancies
• Transition to standards of care

Time
• 2.5 to 3 years

Consolidated 33 chapters of WAC into one
• WAC 246-945
• Went into effect 7/1/2020
WHAT CHANGED!

• tl;dr – a lot of things changed in the WACs
• Consolidated 33 chapters into 1
• New chapter is less than 100 pages
• Examples:
  • CE requirements and license renewal periods
  • Prescription transfers must be done by electronic means
  • Delegable tasks: WAC 246-945-315
DELEGABLE TASKS

• Ancillary Use Plan (AUP) must be filed and approved with the Commission

• Per WAC 246-945-315 (2)
  • (2) When delegating a pharmacy function to a pharmacy technician:
    • (a) A pharmacist shall consider the pharmacy technician’s scope of practice, education, skill, and experience and take them into account;
    • (b) A pharmacist will not delegate a pharmacy function that is listed in WAC 246-945-320.

TECH CHECK TECH

Formal training not discussed in law

Facility may set policies stricter than law

AUP must be approved by the commission per RCW
Administration of vaccine is considered a delegable task
Dispensing and counseling must still be done by the pharmacist or pharmacist intern

Transfer of non-controlled prescription by electronic means is considered a delegable task
May not transfer verbal or oral prescription
Not permitted to transfer controls per DEA and Commission rules

New Stuff on the Horizon
SSB 6526 – REUSE OF UNEXPIRED MEDS

- RCW 69.70
  - Commission must adopt rules allowing DOC pharmacy to accept returns of unit dose medications or full or partial medications cards from facilities it serves and reuse the unexpired medications.
  - PQAC may adopt rules to allow the safe donation of prescription drugs under this chapter including, but not limited to, allowing pharmacy to pharmacy donation of unexpired prescription drug stock.

ASSESSMENT QUESTIONS

WHICH OF THE FOLLOWING TYPES OF LAW MUST EVIDENCE BE CLEAR AND CONVINCING?

A. Civil Law
B. Administrative Law
C. Criminal Law
D. Murphy's Law
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WHICH OF THE FOLLOWING TYPES OF LAW MAY LEAD TO A FINE?
SELECT ALL THAT APPLY

A. Criminal Law
B. Jude Law
C. Administrative Law
D. Criminal Law

WHICH OF THE FOLLOWING TYPES OF LAW MAY LEAD TO A FINE?
SELECT ALL THAT APPLY

A. Criminal Law
B. Jude Law
C. Administrative Law
D. Criminal Law
TRUE OR FALSE?  
THE REVISED CODE OF WASHINGTON ARE RULES CREATED BY AGENCIES VIA AUTHORITY OF THE STATUTES?  

A. True  
B. False  

WHY WERE THE PHARMACY RULES REWRITTEN?  

A. Rules needed to be modernized  
B. Rules are required to be evaluated and updated every 5 years  
C. Wait, we rewrote the rules!  
D. We needed to add redundancies for continuity
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TRUE OR FALSE?
WAC 246-945-315 ALLOWS PHARMACY TECHNICIANS TO PERFORM CERTAIN TASKS DELEGATED BY THE PHARMACIST.
A. True
B. False
THANK YOU!

WHAT QUESTIONS DO YOU HAVE FOR ME?

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