



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 04, 2022

TIME: 2:03 PM

**WSR 22-20-101**

**Agency:** Department of Health – Pharmacy Quality Assurance Commission

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 21-09-063 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW**

**Title of rule and other identifying information:** (describe subject)

WAC 246-945-171 (New) Retired Active Pharmacist License Status. The Pharmacy Quality Assurance Commission (commission) is proposing adding a new section in chapter 246-945 WAC to allow retired pharmacists to apply for a retired active pharmacist license status and practice pharmacy under certain conditions.

**Hearing location(s):**

**Date:**

**Time:**

**Location:** (be specific)

**Comment:**



Email: <https://fortress.wa.gov/doh/policyreview>

Fax: 360-236-2901

Other: N/A

By (date) 11/3/2022

Fax: 360-236-2901

TTY: 711

Email: [PharmacyRules@doh.wa.gov](mailto:PharmacyRules@doh.wa.gov)

Other: N/A

By (date) 11/10/2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

On March 26, 2020, Governor Inslee signed proclamation 20-32 to help increase the number of healthcare workers available to meet the needs of patients during the coronavirus disease 2019 (COVID-19) pandemic. This proclamation included a provision that allows a pharmacist with a retired active pharmacist license status to practice pharmacy. Specifically, the proclamation waived "shall not be authorized to practice pharmacy and" from WAC 246-863-080(2) Retired pharmacist license. In other words, the proclamation amended WAC 246-863-080(2) to read: "The holder of a retired pharmacist license... need not comply with the continuing education requirements of chapter 246-861 WAC."

However, the commission recently updated and consolidated all rules under its authority into one new chapter (chapter 246-945 WAC). In this rewrite process, WAC 246-863-080 and the retired active pharmacist license was removed, effective July 1, 2020, as the retired active pharmacist status at the time did not allow for the practice of pharmacy in any capacity and was deemed unnecessary.

The novel coronavirus COVID-19 pandemic illustrated the need for additional qualified and licensed personnel in intermittent and emergency settings, and the commission chose to reinstate the retired active pharmacist license status. However, the interaction between the old rule language and proclamation 20-32 prompted the commission to approve new rule language to both accommodate the proclamation language and update the retired active pharmacist licensing requirements and fees.

In order to allow retired pharmacists to assist with the COVID-19 response with pharmacy services such as vaccine administration while permanent rulemaking was ongoing, the commission adopted an emergency rule on February 1, 2021 under WSR 21-04-116, temporarily creating a retired active pharmacy license status in the new chapter. This emergency rule has been continuously adopted to retain the licensure statutes until permanent rules could be adopted. Permanent rules are required to keep the retired active pharmacist license status in place. The proposed rule differs from the emergency rules in that it includes updated references to license application fees, license renewal fees, and the license renewal period in rule. The proposed language also adds a reference to continuing education requirements for licensees.

Governor Inslee announced on July 29, 2022 that multiple proclamations will be rescinded on October 27, 2022 including proclamation 20-32. However, should relevant proclamations be rescinded or the state of emergency end, this permanent rule will continue to provide guidance for prospective and current licensees should another state of emergency be declared in the future.

**Reasons supporting proposal:**

Additional qualified, experienced, and licensed personnel is needed to address public health needs during the state of emergency declared under Governor Inslee's proclamation 20-05. The retired active pharmacist license status created under proposed rule WAC 246-945-171 will help make available more health care providers during other states of emergency.

**Statutory authority for adoption:** RCW 16.64.005; RCW 18.64.205

**Statute being implemented:** RCW 18.64.205

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization) Pharmacy Quality Assurance Commission

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Joshua Munroe	111 Israel Rd SE Tumwater, WA 98501	360-236-2987
Implementation:	Joshua Munroe	111 Israel Rd SE Tumwater, WA 98501	360-236-2987

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Joshua Munroe

Address: PO Box 47852 Olympia, WA 98504-7852

Phone: 360-236-2987

Fax: 360-236-2901

TTY: 711

Email: PharmacyRules@doh.wa.gov

Other: N/A

No: Please explain:

### Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

#### (1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

[RCW 34.05.310](#) (4)(b)  
(Internal government operations)

[RCW 34.05.310](#) (4)(e)  
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW

Explanation of how the above exemption(s) applies to the proposed rule:

#### (2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** October 4, 2022

**Name:** Teri Ferreira, Rph

**Title:** Pharmacy Quality Assurance Commission Chair

**Signature:**



NEW SECTION

**WAC 246-945-171 Retired active pharmacist license status.** (1) A pharmacist may apply for a retired active pharmacist license status if they:

(a) Hold an active pharmacist license issued by the commission under chapter 18.64 RCW that is in good standing;

(b) Submit an application on a form provided by the commission; and

(c) Pay the retired credential status application fee as specified in WAC 246-945-990.

(2) A pharmacist with a retired active pharmacist license status shall practice only in emergent or intermittent circumstances.

(a) "Emergent" includes, but is not limited to, earthquakes, floods, times of declared war or other states of emergency.

(b) "Intermittent" means no more than a total of ninety days each year in Washington state.

(3) A pharmacist with a retired active pharmacist license status must meet the continuing education requirements in WAC 246-945-178.

(4) A pharmacist with a retired active pharmacist license status must renew their license every two years in compliance with WAC 246-12-130 and pay the retired active credential status renewal fee set in WAC 246-945-990.

(5) A pharmacist with a retired active pharmacist license status must meet the requirements in WAC 246-12-140 to return their license to active status and pay the active renewal fee set in WAC 246-945-990.