

**Department of Health  
Pharmacy Quality Assurance Commission**

# Policy Statement

Revised – 10/18/11

<b>Title:</b>	Delegation of Decision-Making to Panels and Health Law Judges for Disciplinary Cases Involving Pharmaceutical Firms	<b>Number:</b> P009
<b>References:</b>	Substitute Senate Bill (SSB) <a href="#">5753</a> (Chapter 240, Laws of 2022) codified under RCW <a href="#">18.64.001</a> ; RCW <a href="#">18.64.003</a> ; RCW <a href="#">18.64.005</a> ; and RCW <a href="#">18.64.310</a> .	
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<b>Effective Date:</b>	June 9, 2022	
<b>Supersedes:</b>	N/A	
<b>Approved By:</b>	Teri Ferreira, Pharmacy Quality Assurance Commission	

The Pharmacy Quality Assurance Commission (commission) is delegating the decision making of all applications and complaints involving pharmaceutical firms to panels and health law judges. The commission delegates all decisions related to non-routine applications, exception applications, reports, investigations, and case disposition to a panel of at least three commissioners. The presiding officer in adjudicative proceedings is delegated to a health law judge. This policy statement establishes the approach of the commission based on the passage of [Substitute Senate Bill \(SSB\) 5753](#) (Chapter 240, Laws of 2022).

The commission has regulatory authority over a number of pharmaceutical firms. A pharmaceutical firm is defined in WAC 246-945-001(61) as a “a business engaged in the dispensing, delivering, distributing, manufacturing, or wholesaling of prescription drugs or devices within or into Washington state”, and includes:

- Pharmacies
- Nonresident Pharmacies
- Controlled Substance Researchers
- Other Controlled Substance Act Registrations
- Drug Dog Handler K9 Registrations
- Health Care Entities
- Drug Manufacturers
- Drug Wholesalers
- Legend Drug Sample Distributors
- Position Manufacturers/Sellers
- Precursor Chemical Registrations
- Itinerant Vendors
- Sodium Pentobarbital for Animal Euthanization Registrations
- Shopkeepers
- Remote Dispensing Sites for Opioid Use Disorder Medications

During the 2021-2022 Legislative Session, the Legislature passed SSB 5753, which became effective on June 9, 2022. This bill, among other things:

Amended RCW [18.64.005](#) to allow the commission to authorize the secretary, or their designee, to serve as the presiding officer for any disciplinary proceedings authorized by the commission. The presiding officer shall not vote on or make any final decision in cases pertaining to standards of practice or where clinical expertise is necessary.

Added a new section RCW 18.64.006 which:

- Allows the commission to appoint members of panels of at least three members.
- Requires a quorum for transaction of any business by a panel to be a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission including, but not limited to, licensing, disciplinary, and adjudicative actions.

Beginning June 9, 2022 the commission delegates as follows:

#### **Current Matters Involving Pharmaceutical Firms**

For all current applications and complaints involving pharmaceutical firms, the commission delegates all decisions related to non-routine applications, exception applications, reports, investigations, and case disposition to a panel of at least three commissioners.

For all current applications and complaints involving pharmaceutical firms, the commission delegates a health law judge (HLJ), designated by the Secretary of Health, to act as the presiding officer in any adjudicative proceeding to the extent authorized in the Commission's "Delegation and Authorization for Health Law Judges to Act as the Presiding Officer."

#### **Future Matters Involving Pharmaceutical Firms**

For all future applications and complaints involving pharmaceutical firms, the commission delegates all decisions related to non-routine applications, exception applications, reports, investigations, and case disposition to a panel of at least three commissioners.

For all future applications and disciplinary cases involving pharmaceutical firms, the commission delegates a HLJ, designated by the Secretary of Health, to act as the presiding officer in any adjudicative proceeding to the extent authorized in the Commission's "Delegation and Authorization for Health Law Judges to Act as the Presiding Officer."



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

**Title of Policy Statement:** Delegation of Decision-Making to Panels and Health Law Judges for Disciplinary Cases Involving Pharmaceutical Firms | P009

**Issuing Entity:** Pharmacy Quality Assurance Commission

**Subject Matter:** This policy clarifies the Pharmacy Quality Assurance Commission's approach to licensing, complaints, investigations, case disposition, and adjudication involving pharmaceutical firms.

**Effective Date:** June 9, 2022

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