



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: November 01, 2022

TIME: 4:42 PM

WSR 22-22-092

Agency: Department of Health – Pharmacy Quality Assurance Commission

Title of rule and other identifying information: (describe subject) WAC 246-945-162, Pharmacist license qualifications, WAC 246-945-200, Pharmacy assistants, and WAC 246-945-205, Pharmacy technician certification. The Pharmacy Quality Assurance Commission (commission) is proposing permanent amendments to remove specific requirements for AIDS education requirements. These amendments are in response to the repeal of statutory authority for specific AIDS education trainings by Engrossed Substitute House Bill (ESHB) 1551 (Chapter 76, Laws of 2020). Other formatting changes are also proposed.

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

The purpose of the proposed amendments to WAC 246-945-162, WAC 246-945-200, and WAC 246-945-205 is to align the rules with statutory amendments under ESHB 1551, which repealed the statutory requirement for health care professionals to complete AIDS education and training. Removing this requirement from WAC 246-945-162, WAC 246-945-200, and WAC 246-945-205 will align the rules with the statute and complete the commissions implementation of ESHB 1551.

Other amendments are necessary in the above cited sections to align rule language with current formatting standards and statutory citations.

Reasons supporting proposal:

The commission is proposing the repeal of specific AIDS education and training requirements as it is no longer supported by statute and it is intended to reduce stigma towards people living with HIV/AIDS.

Statutory authority for adoption: RCW 18.64.005; RCW 1864A.020; and RCW 18.64A.030

Statute being implemented: ESHB 1551 (chapter 76, Laws of 2020)

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:

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

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Joshua Munroe	111 Israel Rd Tumwater, WA 98501	360-236-2987
Implementation:	Joshua Munroe	111 Israel Rd Tumwater, WA 98501	360-236-2987
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The statutory authority for the rule has been repealed. The proposed rule language will align with amendments made by ESHB 1551 (chapter 76, Laws of 2020). The proposed rule also reflects amendments required by the Code Reviser to align rule language with current formatting standards.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) 1/3/2023

Date: November 1, 2022

Name: Teri Ferreira, RPh

Title: Pharmacy Quality Assurance Commission Chair

Signature:



AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-162 Pharmacist license qualifications. (1) In addition to the requirements in RCW 18.64.080, an applicant for a pharmacist license who holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree from a commission accredited school or college of pharmacy shall submit documentation of education and practice experience as follows:

(a) An applicant who graduated before July 1, 2020, whose official transcripts confer or award a baccalaureate of pharmacy or doctorate of pharmacy degree shall provide certification of at least ~~((fifteen hundred))~~ 1500 pharmacy internship hours in accordance with WAC 246-945-163.

(b) An applicant who graduates after July 1, 2020, whose official transcripts confer or award a doctorate of pharmacy is deemed to have satisfied the pharmacy practice experience and education requirements for licensure without documentation of internship hours.

(2) An applicant for a pharmacist license whose academic training in pharmacy is from institutions in foreign countries shall:

(a) Achieve certification by FPGECE including:

(i) Passing FPGECE;

(ii) Passing required TOEFL iBT;

(b) Provide official transcripts or diploma that shows a baccalaureate of pharmacy or doctorate of pharmacy degree is awarded or conferred; and

(c) Certification of a minimum of ~~((fifteen hundred))~~ 1500 pharmacy internship hours in accordance with WAC 246-945-163.

(3) An applicant for a pharmacist license shall take and pass pharmacist licensure examinations as defined in WAC 246-945-165.

~~((4) An applicant for a pharmacist license shall provide proof of completion of seven hours of AIDS education as required in chapter 246-12 WAC, Part 8. The applicant is exempt from this requirement if they are a graduate of a commission accredited school or college of pharmacy because the curriculum satisfies this requirement.))~~

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-200 Pharmacy assistants. (1) To become registered as a pharmacy assistant an applicant shall submit an application to the commission that meets the requirements of ~~((chapter 246-12 WAC, Part 2))~~ WAC 246-12-020.

~~((2) ((An initial applicant shall complete four hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

~~((3)))~~ The supervising pharmacist, shall instruct the pharmacy assistant regarding their scope of practice.

~~((4)))~~ (3) To renew a registration a pharmacy assistant shall submit an application to the commission with the applicable fees in accordance with ~~((chapter 246-907))~~ WAC 246-945-990.

WAC 246-945-205 Pharmacy technician certification. (1) An applicant for a pharmacy technician certification shall be ~~((eighteen))~~ 18 years of age and hold a high school diploma or GED.

(2) To be issued a certification as a pharmacy technician an applicant shall meet the qualifications in RCW 18.64A.020, and:

(a) Provide proof of completion of eight hours of guided study of Washington state and federal pharmacy law. The law study shall be done in coordination and oversight of a Washington licensed pharmacist.

~~(b) ((Provide proof of four hours of AIDS education as required in chapter 246-12 WAC, Part 8, the applicant is exempt if they have completed a commission-approved training program whose program materials on file with the commission office document four hours of AIDS education.~~

~~(e))~~ Provide proof of successful completion of a commission-approved pharmacy-technician training program WAC 246-945-215. Acceptable documentation includes:

(i) On-the-job training program. Successful completion of didactic and practice experience signed by the program director on a form provided by the commission; or

(ii) Formal academic or college programs. Official transcripts of completion of a diploma or certificate program at a pharmacy technician school or a two-year associate degree program, which shall include evidence of practice training hours; or

(iii) Certificate of Release or Discharge from Active Duty, DD214 documenting evidence of pharmacy technician training provided by a branch of the federal armed services.

~~((d))~~ (c) Pass a national certification examination approved by the commission within one year of completing a commission-approved training program and applying for certification, unless otherwise authorized by the commission.

(3) An applicant who is a graduate of a foreign school, university or college of pharmacy or medicine, whose professional degree program is approved by the commission shall complete the following:

(a) If English is not the primary language, the applicant shall take and pass TOEFL iBT;

(b) Complete ~~((five hundred twenty))~~ 525 hours of supervised experience under the supervision of a licensed pharmacist with training hours reported using forms provided by the commission; and

(c) Pass a national certification examination approved by the commission.

(4) An out-of-state pharmacy technician applicant must meet the same requirements as a pharmacy technician trained in Washington state.