



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: February 02, 2023

TIME: 1:17 PM

WSR 23-05-010

Agency: Department of Health- Pharmacy Quality Assurance Commission

Title of rule and other identifying information: (describe subject) Chapter 246-861 WAC and WAC 246-901-061 Continuing Education Requirements. The Pharmacy Quality Assurance Commission is seeking to repeal continuing education requirements established in chapter 246-861 WAC and WAC 246-901-061 as such requirements are also in practice in more current sections of rule, WAC 246-945-178 and WAC 246-945-220.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Pharmacy Quality Assurance Commission (commission) completed a major rules consolidation project in 2020 in which various sections and chapters in Title 246 WAC were either repealed or consolidated into the new chapter 246-945 WAC. The new continuing education requirements in chapter 246-945 WAC require pharmacists whose licenses expire on or after December 1, 2021 to complete the equivalent of 3.0 continuing pharmacy education (CPE) administered by an ACPE accredited provider prior to renewing their license. Pharmacy technicians whose licenses expire on or after December 1, 2021 must complete the equivalent of 2.0 CPE administered by an ACPE accredited provider. Additionally, the license renewal cycle for both licensee groups is increased from one year to two years.

Transitioning all licensees onto the new renewal cycle took one year from December 1, 2021 because everyone had to have one renewal cycle to get onto the 2-year cycle. In other words, updated continuing education requirements did not take effect for pharmacists and pharmacy technicians whose licenses expired before December 1, 2022 since the new CE rules correspond with a two-year license cycle and a change in license fees to match that cycle. This required the older sections of rule establishing continuing education standards--WAC 246-861-090 and WAC 246-901-061--be maintained until the one-year license cycle for those pharmacists and pharmacy technicians ended on December 1, 2022. The commission issued a guidance document (G001) that went into effect on July 1, 2020 and updated on December 3, 2020 for the purpose of retaining the older sections of rule until the December 1, 2022 expiration date.

Reasons supporting proposal: The rules rewrite process conducted by the commission resulted in the creation of Chapter 246-945 WAC and had the intent of updating regulatory standards around the practice of pharmacy, including license renewal standards. After December 1, 2021, all pharmacists and pharmacy technicians licensed with the commission must renew their licenses solely under the standards described in WAC 246-945-178 and WAC 246-945-220. Repealing the old sections of rule regulating continuing education standards for pharmacists and pharmacy technicians will eliminate any confusion regarding conflicting standards for renewing a license.

Statutory authority for adoption: RCW 18.64.005

Statute being implemented: RCW 18.64.005

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)		<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental	
Name of agency personnel responsible for: Washington State Pharmacy Quality Assurance Commission			
	Name	Office Location	Phone
Drafting:	Haleigh Mauldin	111 Israel Rd SE, Tumwater, WA 98501	360-890-0720
Implementation:	Haleigh Mauldin	111 Israel Rd SE, Tumwater, WA 98501	360-890-0720
Enforcement:	Haleigh Mauldin	111 Israel Rd SE, Tumwater, WA 98501	360-890-0720
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:			
<input type="checkbox"/> Relates only to internal governmental operations that are not subject to violation by a person; <input type="checkbox"/> 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; <input type="checkbox"/> Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect; <input type="checkbox"/> Content is explicitly and specifically dictated by statute; <input type="checkbox"/> 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 <input type="checkbox"/> 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:			
<input type="checkbox"/> 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; <input type="checkbox"/> 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; <input type="checkbox"/> The rule is no longer necessary because of changed circumstances; or <input checked="" type="checkbox"/> 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 proposed rule will repeal chapter 246-861 WAC and WAC 246-901-061 which is redundant under WAC 246-945-178 and WAC 246-945-220.			
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			
Name: Haleigh Mauldin			
Agency: Pharmacy Quality Assurance Commission			
Address: PO Box 47852 Olympia, WA 98504-7852			
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Email: https://fortress.wa.gov/doh/policyreview			
Other:			
AND RECEIVED BY (date) <u>April 17, 2023</u>			

Date: February 1, 2023

Name: Teri Ferreira, RPh

Title: Pharmacy Quality Assurance Chair

Signature:

A handwritten signature in black ink that reads "Teri Ferreira". The signature is written in a cursive style with a horizontal line underlining the name.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-861-010	Definitions.
WAC 246-861-020	Renewal requirements.
WAC 246-861-040	Applications for approval of continuing education program—Post-approval of continuing education program.
WAC 246-861-050	Continuing education program approved providers.
WAC 246-861-055	Continuing education program.
WAC 246-861-060	Instructors' credit toward continuing education unit.
WAC 246-861-090	Amount of continuing education.
WAC 246-861-095	Pharmacists licensed in other health professions.
WAC 246-861-105	Suicide prevention education.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-901-061 Pharmacy technician—Continuing
education requirements.