



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 24, 2025

TIME: 7:33 AM

WSR 25-22-008

Agency: Department of Health – Pharmacy Quality Assurance Commission

Subject of possible rule making: Clarifying conditions for Ancillary Utilization Plans (AUPs) submitted to the Pharmacy Quality Assurance Commission (commission) for approval. The commission is considering amending WAC 246-945-410 to clarify that only pharmacies may submit an AUP, per RCW 18.64A.040 and 18.64A.060, for approval by the commission to utilize pharmacy ancillary personnel as defined in RCW 18.64A.010(5).

Statutes authorizing the agency to adopt rules on this subject: RCW 18.64.005, 18.64A.040, and 18.64A.060

Reasons why rules on this subject may be needed and what they might accomplish: At the June 26, 2025 business meeting, the commission discussed two AUPs submitted by health care entities (HCEs) for approval. The facilities submitting the AUPs cited a passage in WAC 246-945-410(11) that could be interpreted to allow a non-pharmacy entity to submit an AUP based on the use of the term “facility” in that section of rule and how that term is defined in WAC 246-945-405(2). Following the discussion, the commission tasked staff with researching the statutes that authorize an AUP submission and approval.

Staff confirmed at the August 14, 2025 business meeting that the statutes relating to the use of ancillary personnel in RCW 18.64A.040 and 18.64A.060 only allow pharmacies to submit AUPs for commission approval. The commission then decided to initiate rulemaking to ensure WAC 246-945-410 matches the commission's determination that only pharmacies can utilize ancillary personnel and submit AUPs.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Collaborative rulemaking

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rulemaking notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

Date: October 24, 2025

Name: Hawkins DeFrance, PharmD

Title: Pharmacy Quality Assurance Commission Chair

Signature:

A handwritten signature in black ink, appearing to read "Hawkins DeFrance", written over a white background.