

## 1.1 PURPOSE

To improve patient safety and maintain the dignity of healthcare practitioners, the regulating boards and commissions adopted professional practice standards expected of authorizing healthcare practitioners who recommend medical cannabis under Washington State law.

## 1.2 DEFINITIONS

**Authorization.** A form developed by the Department of Health that is completed and signed by a healthcare practitioner and printed on tamper-resistant paper containing the [RCW 69.51A.030](#) logo. An authorization is not a prescription as defined in [RCW 69.50.101](#). A patient with a valid authorization is allowed to grow up to four plants within their domicile under [RCW 69.51A.210](#).

**Authorizing healthcare practitioner.** The following types of healthcare practitioners licensed in Washington State are allowed to authorize the use of cannabis to medical patients:

- Medical doctor (MD) – licensed under [chapter 18.71 RCW](#)
- Physician assistant (PA) – licensed under [chapter 18.71A RCW](#)
- Osteopathic physician (DO) – licensed under [chapter 18.57 RCW](#)
- Osteopathic physician assistant (OPA) – licensed under [chapter 18.57A RCW](#)
- Naturopathic physician (ND) – licensed under [chapter 18.36A RCW](#)
- Advanced registered nurse practitioner (ARNP) – licensed under [chapter 18.79 RCW](#)

**Certified Medical Cannabis Consultant.** A person who has completed a 20-hour state-approved Medical Cannabis Consultant Certification training program and holds a valid medical cannabis consultant certificate issued by the Department of Health - WAC [246-72-010](#). A certified consultant works in a licensed cannabis retail store that has a medical endorsement. A certified consultant's role is to assist a patient with registration into the medical cannabis authorization database, create and issue a recognition card to the patient and assist the patient with the selection of cannabis products that may benefit the patient's medical condition - WAC [246-72-030](#).

**Designated provider.** A person who is twenty-one years of age or older and is the parent or guardian of a qualifying patient who is under the age of eighteen; or has been designated by the qualifying patient to purchase, provide or grow cannabis for the patient and has an authorization from the patient's healthcare practitioner. A designated provider can only serve one patient at any one time – [RCW 69.51A.010\(4\)](#).

**Medical cannabis authorization database.** A secure and confidential database administered by the Department of Health and used by medically-endorsed cannabis retail stores to register, issue and verify recognition cards to qualifying patients and their designated providers (if any); and, used by healthcare practitioners to access health care information on their patients for the purpose of providing medical and pharmaceutical care as established under [RCW 69.51A.230](#).

**Medically-endorsed cannabis retail store.** A cannabis retailer that has been issued a medical cannabis endorsement by the state liquor and cannabis board pursuant to [RCW 69.50.375](#).

**Qualifying patient.** A person who is a patient of a healthcare practitioner; has been diagnosed by that practitioner as having a terminal or debilitating medical condition defined under [RCW 69.51A.010\(24\)](#); is a resident of Washington; has been advised by that practitioner about the risks and benefits of the medical use of cannabis; has been advised by that practitioner that they may benefit from the medical use of cannabis; and has an authorization from his or her healthcare practitioner to use cannabis for medical purposes – [RCW 69.51A.010\(17\)](#).

**Recognition card.** A card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database – [RCW 69.51A.010\(20\)](#). With a recognition card a patient can purchase up to three times the recreational amount of product, is allowed to grow up to six plants (or up to 15 plants upon their practitioner’s additional plant recommendation), and can purchase sales tax free from a medically endorsed cannabis retail store – [RCW 69.51A.210](#).

**Tamper-resistant paper.** Paper that meets industry-recognized security features to copying, erasure or modification of information on the paper, and to prevent the use of counterfeit authorization – [RCW 69.51A.010\(23\)](#).

**Terminal or debilitating medical condition.** Means a condition severe enough to significantly interfere with the patient's activities of daily living and ability to function, which can be objectively assessed and evaluated and limited to the conditions outlined under [RCW 69.51A.010\(24\)](#).

**Compassionate Care Renewal.** A renewal of an authorization by a health care practitioner through the use of telemedicine if the health care practitioner determines that requiring the qualifying patient to attend an in-person physical examination would likely result in severe hardship to the qualifying patient because of the qualifying patient's physical or emotional condition. A compassionate care renewal of a qualifying patient's registration and recognition card also allows the qualifying patient's designated provider to renew the qualifying patient's registration in the database and recognition card without the qualifying patient being physically present at a retailer and without a new photograph being taken per WAC 246-71-010(2).

**Telemedicine.** Has the same meaning as the definition of that term adopted by the authorizing health care practitioner's disciplining authority, whether defined in rule or policy per WAC 246-71-010(15).

### 1.3 HEALTHCARE PRACTITIONER STATUTORY LIMITATIONS

The healthcare practitioner shall not ([RCW 69.51A.030](#)):

- a. Accept, solicit, or offer any form of pecuniary remuneration from or to a cannabis retailer, cannabis processor, or cannabis producer;
- b. Offer a discount or any other thing of value to a qualifying patient who is a customer of, or agrees to be a customer of, a particular cannabis retailer;

- c. Examine or offer to examine a patient for purposes of diagnosing a terminal or debilitating medical condition at a location where cannabis is produced, processed, or sold;
- d. Have a business or practice which consists primarily of authorizing the medical use of cannabis or authorize the medical use of cannabis at any location other than his or her practice's permanent physical location;
- e. Except as provided in [RCW 69.51A.280](#), sell, or provide at no charge, cannabis concentrates, cannabis-infused products, or usable cannabis to a qualifying patient or designated provider; or
- f. Hold an economic interest in an enterprise that produces, processes, or sells cannabis if the health care professional authorizes the medical use of cannabis.

## 1.4 AUTHORIZATION PRACTICE GUIDELINES

A healthcare practitioner may provide valid documentation to authorize medical cannabis to a qualifying patient under [Chapter 69.51A RCW](#) under the following conditions:

### SECTION 1: PATIENT EVALUATION

A healthcare practitioner should obtain, evaluate, and document the patient's health history and physical examination in the health record prior to treating for a terminal or debilitating condition.

- a. The patient's health history should include:
  - i. Current and past treatments for the terminal or debilitating condition;
  - ii. Comorbidities; and
  - iii. Any history of substance misuse or abuse using a risk assessment tool.
- b. The healthcare practitioner should:
  - i. Complete an initial physical examination as appropriate based on the patient's condition and medical history; and
  - ii. Check of the Prescription Drug Monitoring Program database for the patient's receipt of controlled substances
  - iii. Review the patient's medications including indication(s), date, type, dosage, and quantity prescribed.
  - iv. Provide the qualifying patient and their designated provider (if any) each with a medical cannabis authorization form printed on tamper-resistant paper containing the RCW 69.51A.030 logo as required under [WAC 246-71-010](#).

## SECTION 2: TREATMENT PLAN

A healthcare practitioner should document a written treatment plan that includes:

- a. Review of other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of cannabis;
- b. Advice about other options for treating the terminal or debilitating medical condition;
- c. Determination that the patient may benefit from treatment of the terminal or debilitating medical condition with medical use of cannabis
- d. Advice about the potential risks of the medical use of cannabis to include: The variability of quality and concentration of medical cannabis;
  - i. Adverse events, including falls or fractures;
  - ii. The unknown short-term and long-term effects in minors, as more fully explained in Section 4, below;
  - iii. Use of cannabis during pregnancy or breast feeding; and,
  - iv. The need to safeguard all cannabis and cannabis-infused products from children and pets or domestic animals.
  - v. Additional diagnostic evaluations or other planned treatments;
- e. A specific duration for the medical cannabis authorization for a period no longer than 12 months for adults (age 18 and over) and 6 months for minors (under age 18); and,
- f. A specific ongoing treatment plan as medically appropriate.

## SECTION 3: ONGOING TREATMENT

A healthcare practitioner should conduct ongoing treatment and assessment as medically appropriate to review the course of the patient's treatment, to include:

- a. Any change in the medical condition;
- b. Any change in physical or psychosocial function;
- c. Any new information about the patient's terminal or debilitating medical condition; and
- d. An authorization may be renewed upon completion of an in-person physical examination.
- e. Following an in-person physical examination, evaluate patient eligibility for a compassionate care renewal of their authorization per RCW 69.51A.030(2)(c)(iii).

#### SECTION 4: TREATING MINOR PATIENTS OR PATIENTS WITHOUT DECISION MAKING CAPACITY

The risks of cannabis use in minors are substantial, particularly given its well-documented adverse effects on the developing brain.<sup>1</sup> While research demonstrates that the use of cannabis can be helpful for adults with specific debilitating conditions, there are no published studies on the use of medical cannabis for minors. A health care practitioner should strongly consider limiting the authorization of cannabis to minors in palliative pediatric care when short-term symptom relief outweighs long-term risks. The most common symptoms that may justify the use of medical cannabis for minors are pain, nausea, vomiting, seizures, and agitation.<sup>2</sup>

Under [RCW 69.51A.220](#) and [RCW 69.51A.230\(4\)](#), a healthcare practitioner considering authorizing cannabis to a patient under the age of 18 or without decision making capacity must:

- a. Ensure the patient's parent, guardian, or surrogate participates in the treatment and agrees to the medical use of cannabis;
- b. Evaluate and document history of substance misuse or abuse using a risk assessment tool;<sup>3</sup>
- c. Consult with other healthcare practitioners involved in the patient's treatment, as medically indicated and as agreed to by the patient's parent, guardian, or surrogate, before authorization or reauthorization of the medical use of cannabis; and
- d. Include a follow-up discussion with the minor's parent or patient surrogate to ensure the parent or patient surrogate continues to participate in the treatment;
- e. Ensure the patient's parent, guardian, or surrogate acts as the designated provider; and
- f. Reexamine the minor at least once every six months or more frequently as medically indicated.

#### **Additional requirements to note when treating minor patients:**

- a. Qualifying patients (adult or minor) can only have one designated provider under [RCW 69.51A.010](#). This can be challenging for minor patients who live in divorced families.

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<sup>1</sup> <https://pediatrics.aappublications.org/content/135/3/584>

<sup>2</sup> The federal Food and Drug Administration (FDA) has approved medications related to cannabis that are available in pharmaceutical grade by prescription for rare conditions. One of the medications is approved for the treatment of seizures associated with Lennox-Gastaut syndrome or Dravet syndrome in patients over two years of age. This medication is not considered medical cannabis and is not available at cannabis dispensaries. This medication is prescribed by subspecialists with expertise in these conditions.

<sup>3</sup> The use of a risk assessment tool is particularly important in the treatment of minors. The American Academy of Pediatrics developed a guide to help providers incorporate screening, brief intervention, and referral for the use of alcohol, tobacco, cannabis and other drugs among adolescent patients.

<https://pediatrics.aappublications.org/content/138/1/e20161210>

- a. School districts must permit a designated provider (parent/legal guardian) to administer cannabis-infused product to a minor qualifying patient (under age 18) in accordance with school policy at the request of a parent – [RCW 69.51A.225](#)
- b. The minor may not grow plants or purchase cannabis- [RCW 69.51A.220](#).
- c. Both the minor and the minor's parent or guardian who is acting as the designated provider must be entered in the medical cannabis authorization database and hold a recognition card - [RCW 69.51A.220](#).

## SECTION 5: MAINTENANCE OF HEALTH RECORDS

A healthcare practitioner should maintain the patient's health record in an accessible manner, readily available for review, and include:

- a. The diagnosis, treatment plan, and therapeutic objectives;
- b. Documentation of the presence of one or more recognized terminal or debilitating medical conditions identified in [RCW 69.51A.010\(24\)](#).
- c. Documentation of other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of cannabis;
- d. A copy of the signed authorization form for both the patient and their designated provider (if any);
- e. Results of ongoing treatment; and
- f. The healthcare practitioner's instructions to the patient.

## SECTION 6: CONTINUING EDUCATION

A healthcare practitioner issuing authorizations or valid documentation for the medical use of cannabis on or after the effective date of these guidelines, should complete a minimum of three hours of continuing education related to medical cannabis.

Such program should explain the proper use of cannabis, including the pharmacology and effects of cannabis (e.g., distinction between cannabidiol (CBD) and tetrahydrocannabinol (THC); methods of administration; and potential side effects or risks).

## 1.5 RESOURCES

Washington State Department of Health [Medical Cannabis Program](#)