

CHAPTER 101

[Substitute House Bill] No. 314]

PHARMACY ASSISTANTS

AN ACT Relating to pharmacy assistants; adding a new chapter to Title 18 RCW; providing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) "Board" means the state board of pharmacy;
- (2) "Pharmacist" means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy;
- (3) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted;
- (4) "Pharmacy assistant level A" means:
 - (a) A person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to perform nondiscretionary functions associated with the practice of pharmacy; or
 - (b) A person who is a graduate with a degree in pharmacy or medicine of a foreign school, university, or college recognized by the board;
- (5) "Pharmacy assistant level B" means a person certified by the board to perform limited functions in the pharmacy;
- (6) "Practice of pharmacy" means the definition given in RCW 18.64.011, as now or hereafter amended.

NEW SECTION. Sec. 2. (1) The board shall adopt, in accordance with chapter 34.04 RCW, rules and regulations fixing the classification and qualifications and the educational and training requirements for persons who may be employed as pharmacy assistants or who may be enrolled in any pharmacy assistant training program. Such regulations shall provide that:

- (a) Licensed pharmacists shall supervise the training of pharmacy assistants; and
- (b) Training programs shall assure the competence of pharmacy assistants to aid and assist pharmacy operations. Training programs shall consist of instruction and/or practical training.

(2) The board may disapprove or revoke approval of any training program for failure to conform to board rules and regulations. In the case of the disapproval or revocation of approval of a training program by the board, a hearing shall be conducted in accordance with RCW 18.64.160 as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 3. The board shall adopt, in accordance with chapter 34.04 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with the practice of pharmacy during training and after successful completion of a training course. Such regulations shall provide

for the certification of pharmacy assistants at a uniform annual fee to be determined by the board according to the following levels of classification:

(1) "Level A pharmacy assistants" may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) "Level B pharmacy assistants" may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refiling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

NEW SECTION. Sec. 4. (1) A pharmacy assistant shall practice pharmacy in this state only after authorization by the board and only to the extent permitted by the board in accordance with this chapter.

(2) A pharmacist shall be assisted by a pharmacy assistant in the practice of pharmacy in this state only after authorization by the board and only to the extent permitted by the board in accordance with this chapter: **PROVIDED**, That no pharmacist may supervise more than one person performing level A pharmacy assistant duties and functions: **PROVIDED, FURTHER**, That in pharmacies operating in connection with facilities licensed pursuant to chapters 70.41 or 71.12 RCW, whether or not situated within the said facility, the ratio of pharmacists to persons performing level A pharmacy assistant duties and functions shall be as follows: in the preparation of medicine or other materials used by patients within the facility, one pharmacist supervising no more than three persons performing level A pharmacy assistant duties and functions; in the preparation of medicine or other materials dispensed to persons not patients within the facility, one pharmacist supervising not more than one person performing level A pharmacy assistant duties and functions.

NEW SECTION. Sec. 5. The board of pharmacy shall have the power to refuse, suspend, or revoke the certificate of any pharmacy assistant upon proof that:

(1) His or her certificate was procured through fraud, misrepresentation or deceit;

(2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics or drug sundries by any court of competent jurisdiction: **PROVIDED**, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(3) He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;

(4) He or she has exhibited gross incompetency in the performance of his or her duties;

(5) He or she has wilfully or repeatedly violated any of the rules and regulations of the board of pharmacy;

(6) He or she has wilfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter; or

(7) He or she has impersonated a licensed pharmacist.

In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 6. No pharmacy licensed in this state shall utilize the services of pharmacy assistants without approval of the board.

Any pharmacy licensed in this state may apply to the board for permission to use the services of pharmacy assistants. The application shall be accompanied by a uniform fee to be determined by the board, shall detail the manner and extent to which the pharmacy assistants would be used and supervised, and shall provide other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of pharmacy assistants and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a uniform fee as determined by the board. Whenever it appears to the board that a pharmacy assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of approval, a hearing shall be conducted in accordance with chapter 18.64 RCW, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 7. (1) Persons presently assisting a pharmacist by performing the functions of a pharmacy assistant may continue to do so under the supervision of a licensed pharmacist: PROVIDED, That within eighteen months after the effective date of this act, such persons shall be in compliance with the provisions of this act.

(2) Pharmacies presently employing persons to perform the functions of a pharmacy assistant may continue to do so while obtaining board approval for the use of certified pharmacy assistants: PROVIDED, That within eighteen months after the effective date of this act, such pharmacies shall be in compliance with the provisions of this act.

NEW SECTION. Sec. 8. No pharmacy or pharmacist which utilizes the services of a pharmacy assistant with approval by the board, shall be considered as aiding and abetting an unlicensed person to practice pharmacy within the meaning of chapter 18.64 RCW, as now or hereafter amended: PROVIDED, HOWEVER, That the pharmacy or pharmacist shall retain responsibility for any act performed by a pharmacy assistant in the course of his or her employment.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act are added to Title 18 RCW as a new chapter thereof.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 19, 1977.

Passed the Senate May 18, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.