

PA News: Legal Assistance



WASHINGTON
**Medical
Commission**
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Theresa Schimmels, PA-C Physician Assistant Member

Happy New Year! I hope you had a wonderful holiday season. To start off our new year, I wanted to educate you on an issue that comes up from time to time when we are speaking with a physician or physician assistant that we have taken action on.

After you've been contacted with a letter that a complaint against you is being investigated by the WMC, the appropriate thing to do is acknowledge receipt of the notification and contact your practice's risk manager. Often these qualified individuals can help direct you through the complaint process and will help contact your insurance carrier.

Did you know that most liability carriers/malpractice carriers will provide policy holders (you) with a degree of legal assistance during WMC investigations? Often, this is provided as part of your normal policy, without extra cost to you. Check with your carrier to clarify what kind of support is provided under your policy.

You may have the right to select your own legal counsel as well. Several carriers I researched allow you to select counsel. Having a working knowledge of attorneys in your area may be helpful. Even if you feel the complaint is frivolous, the professional advice provided by legal assistance through your liability carrier can be very helpful.

Contact your corporation, practice, or personal liability/medical malpractice carrier to find out more information as to what is covered with your policy.



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E-Prescribing Law and Rulemaking

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During the 2019 Legislative Session, the Legislature passed Substitute Senate Bill 5380, this bill amended RCW 69.50.312 which requires all controlled substance prescriptions to be electronically communicated unless the prescriber receives a waiver from the Department of Health (DOH) As the regulatory authority of the Controlled Substance Act, the DOH determined the waiver should be placed within the Pharmacy Quality Assurance Commission's (Pharmacy Commission) rule chapter.

The rule will establish the criteria for prescribers to receive a waiver from the DOH to exempt them from complying with the electronic prescribing mandate which goes into effect on January 1, 2021. This rule will address economic, technological and other exceptional circumstances that prohibit a prescriber from electronically prescribing.

The Pharmacy Commission authorized staff to file a CR 101 to begin the rule making process for this new rule. Staff will be working internally with other prescribing boards, commissions and secretary professions on the rules as well as the implementation of the waiver. Stakeholder meetings will also be held at future dates to discuss the rule language.

The Pharmacy Commission will not be responsible for reviewing these waiver requests. Waiver requests will be sent to the prescribing boards and commissions for their review.