



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**  
Do **NOT** use for expedited rule making

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FILED

DATE: July 08, 2019

TIME: 8:01 AM

WSR 19-15-007

**Agency:** Department of Health- Medical Quality Assurance Commission

**Subject of possible rule making:** WAC 246-919-865 Patient notification, secure storage, and disposal and WAC 246-918-815 Patient notification, secure storage, and disposal. The Washington Medical Commission (commission) is considering amending WAC 246-919-865 and WAC 246-918-815 to establish requirements, and exemptions if appropriate, for patient notification when prescribing opioid drugs as directed by Substitute Senate Bill (SSB) 5380 (chapter 314, Laws of 2019).

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.71.017, RCW 18.130.050, and SSB 5380 (chapter 314, Laws of 2019).

**Reasons why rules on this subject may be needed and what they might accomplish:** SSB 5380 requires the commission, along with the Dental Quality Assurance Commission, Podiatric Medical Board, Board of Osteopathic Medicine and Surgery, and Nursing Care Quality Assurance Commission to adopt or amend rules establishing patient notification requirements.

Sections 8 and 9 of SSB 5380 direct the commission to adopt or amend the opioid prescribing rules by January 1, 2020, to establish the requirement for allopathic physicians and physician assistants to notify patients of their right to refuse an opioid prescription or order and to document any refusal.

Section 17 of SSB 5380 adds a new section to chapter 69.50 RCW requiring the prescribing practitioner, prior to the first opioid prescription, to discuss with the patient risks of opioids, pain management alternatives to opioids, and provide the patient a written copy of the warning language. Commission rules may be amended to include pain management alternatives in the patient notification.

The intent of SSB 5380 is to reduce the number of people who inadvertently become addicted to opioids and, consequently, reduce the burden on opioid treatment programs.

The commission is filing for standard rule making because it will also consider exemptions which may be required for certain providers in certain setting where prior patient notification is not possible.

**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: To join the interested parties email list, please visit:  
[https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic\\_id=WADOH\\_153](https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153)

<b>Date:</b>	<b>Signature:</b>
<b>Name:</b> Melanie de Leon	
<b>Title:</b> Executive Director	