



**PROPOSED RULE MAKING  
(RCW 34.05.320)**

**CR-102 (7/22/01)  
Do NOT use for expedited  
rule making**

Agency:	<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>03-23-023</u> ; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: (Describe Subject) Evidence-based prescription drug program  
 WAC 296-20-01002, WAC 296-20-02704, WAC 296-20-02705, WAC 296-20-03011, WAC 296-20-03012

Purpose: These rules govern the evidence-based prescription drug program at L&I and are necessary to implement SB 6088 (Chapter 29, Laws of 2003). Pursuant to RCW 70.14.050 the agencies shall adopt rules governing practitioner endorsement and use of any list developed as part of the program authorized by this section.

Other identifying information: NONE

(b) Statutory authority for adoption: RCW51.04.020, RCW 70.14.050	Statute being implemented: RCW 70.14.050
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(c) Summary: These rules manage the evidence-based prescription drug program and therapeutic interchange of preferred drugs for nonpreferred drugs.

Reasons supporting proposal: These rules are necessary to implement the prescription drug programs established by the 2003 legislature.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Jami Lifka	7273 Linderson Way SW, Tumwater	360-902-4941
2. Implementation.... Gary Franklin, MD, MPH	Office of the Medical Director	360-902-5020
3. Enforcement..... Robert Malooly	Assistant Director for Insurance Services	360-902-4209

(e) Name of proponent (person or organization): Dept. of Labor & Industries

Private  
 Public  
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION: Dept. of Labor & Industries Auditorium 7272 Linderson Way Tumwater, WA  Date: <u>March 1, 2004</u> Time: <u>1:00 PM</u>	Submit written comments to: Jami Lifka, Dept. of Labor & Industries, PO Box 44321, Olympia, WA 98504-4321  e-mail: lifk235@lni.wa.gov  FAX (360) 902-6315 Bv (date) March 1, 2004. 5:00 PST DATE OF INTENDED ADOPTION: March 29, 2004
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Assistance for persons with disabilities: Contact <u>Jami Lifka</u> by <u>February 20, 2004</u>  TDD (800) <u>833-6388</u> or (360) <u>902-4941</u>	
NAME (TYPE OR PRINT)	<b>CODE REVISER USE ONLY</b>  <b>WSR # 04-03-082</b>
Paul Trause	
SIGNATURE	
TITLE	
Director	DATE
	January 20, 2004

(j) Short explanation of rule, its purpose, and anticipated effects:

WAC 296-20-01002 defines new terms used in the evidence-based prescription drug program. It defines “appointing authority,” “endorsing practitioner,” “preferred drug list,” “refill,” “therapeutic alternative,” and “therapeutic interchange.”

WAC 296-20-02704 and WAC 296-20-02705 list the Washington State Pharmacy and Therapeutics Committee as a formal L&I advisory committee.

WAC 296-20-03011 repeats language from SB 6088 in that a pharmacist filling a prescription shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated that the nonpreferred drug be dispensed as written, or the prescription is a refill of an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug. In addition, this rule states that a nonendorsing provider must receive prior authorization from the department for the nonpreferred drug to be filled.

WAC 296-20-03012 provides examples of the types of drugs routinely allowed, requiring prior authorization, or normally denied for treating industrial injuries.

Does proposal change existing rules?  YES  NO

If yes, describe changes:

See (j) above

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: (     )

faxing: (     )

No. Explain why no statement was prepared

The proposed changes have no impact on small businesses; therefore, no economic analysis is required.

(l) Does RCW 34.05.328 apply to this rule adoption?  Yes  No

Please explain:

This rule is a significant rule as described in RCW 34.05.328.