MEDICAL MARIJUANA AND NURSING PRACTICE IN WASHINGTON STATE

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Objectives

• Explain Washington State’s medical cannabis law from a nurse’s perspective

• Apply Washington State’s medical cannabis law in conjunction with nursing standards of care

• Identify two resources about medical cannabis
Federal Law

• Marijuana is a Drug Enforcement Administration Schedule 1 Drug
  • High potential for abuse
  • No accepted medical use in U.S.
  • Lack of accepted safety

• Prescribing or dispensing marijuana is illegal under federal law
Medical Marijuana Nationwide

• 1996 California passed the first law
  • 1998 Washington and Oregon followed
• 21 States and DC now have laws

  • Alaska, Arizona, Colorado, Connecticut, DC, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont
Washington State Law

- Initiative 692 passed in 1998 by voters
  - RCW 69.51A Medical Cannabis
    - http://apps.leg.wa.gov/rcw/default.aspx?cite=69.51A
  - Legislature in 2010 added ARNPs as authorizing providers of medical cannabis

- Authorized health care professionals may
  - Advise patients about the risks/benefits of cannabis use or potential to benefit from medical cannabis
  - Provide a qualifying patient with valid documentation authorizing medical cannabis use
Who can authorize medical cannabis?

- Medical doctors
- Osteopathic physicians
- Naturopathic physicians
- Advanced registered nurse practitioners
- Physician assistants
- Osteopathic physician assistants
Who cannot authorize medical cannabis use?

- Registered nurses
- Licensed practical nurses
- Medical assistants
PROVISIONS OF THE MEDICAL CANNABIS LAW
Who is a qualifying patient?

- Patient of a health care professional
  - Diagnosed by that health care professional as having a terminal or debilitating medical condition
- Resident of the state of Washington at the time of the diagnosis
- Has been advised by that health care professional about the risks and benefits of the medical use of marijuana
- Has been advised by that health care professional that he or she may benefit from the medical use of marijuana
What is required to authorize medical cannabis?

- Complete an appropriate physical examination
- Document the terminal or debilitating medical condition and that the patient may benefit from treatment with medical use of cannabis
- Inform the patient of other options for treating the terminal or debilitating medical condition
- Document other measures attempted to treat the terminal or debilitating medical condition not involving medical cannabis
What is prohibited for a health care professional?

- Practice cannot be solely to authorize medical cannabis
- No statement, reference, visual or otherwise to cannabis in advertisement of a practice

- [http://greenwellness.org/?gclid=CLu96-CP0r0CFZZqfgodBy8AJQ](http://greenwellness.org/?gclid=CLu96-CP0r0CFZZqfgodBy8AJQ)
- [http://thc-foundation.org/](http://thc-foundation.org/)
- [http://advancedholistichealth.org/](http://advancedholistichealth.org/)
What is prohibited for a health care professional who authorizes medical cannabis?

- No physical or economic relationship to a dispenser
- Cannot own or have an economic interest in a medical cannabis enterprise
What are qualifying conditions?

- Cancer, HIV, multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders
- The following conditions qualify when unrelieved by standard treatments and medications
  - Intractable pain
  - Glaucoma, either acute or chronic with increased intraocular pressure
  - Crohn's disease with debilitating symptoms
  - Hepatitis C with debilitating nausea or intractable pain
  - Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity
- Chronic Renal Failure (added in 2010)
What is valid documentation for medical cannabis?

• Statement signed and dated written on tamper-resistant paper which states
  • In the health care professional's opinion, the patient may benefit from the medical use of marijuana

• Nothing in the law stipulates an expiration date is required

• Proof of identity such as a Washington state driver's license or identicard

• A copy of a patient’s medical record cannot be used in place of a written authorization
MEDICAL CANNABIS AND THE NURSE PRACTICE ACT
How does the Nurse Practice Act apply to medical cannabis?

- Nurses must use the standards of care required in the Nurse Practice Act for patients seeking/with medical cannabis authorization

- ARNPs authorizing medical cannabis must comply with the requirements of RCW 69.51A and scope of practice in the Nurse Practice Act
What can happen if standards of care are not upheld?

• The Washington State Nursing Care Quality Assurance Commission may take disciplinary action when a nurse does not apply standards of care.

• Search Department of Health web site for disciplinary notices

  http://www.doh.wa.gov/Newsroom.aspx
PROTECTING YOUR LICENSE
How can I avoid disciplinary action?

- Follow RCW 69.51A to the letter of the law
- Do not have a practice solely to provide medical cannabis authorizations
- Have a documented newly initiated or existing relationship with a patient as a PCP or specialist
  - Provide for appropriate follow-up care
- Complete a history and physical appropriate to the condition and age of the patient
How can I avoid disciplinary action?

• Perform diagnostic tests, seek consultation and/or obtain medical records to obtain evidence the patient has a qualifying condition
• Authorize medical cannabis only for patients with a qualifying condition
• Document the qualifying condition and that the patient will benefit from medical cannabis
How can I avoid disciplinary action?

• Inform the patient of other options for treating the condition
• Document other measures used to treat the qualifying condition
• Do not engage in economic or business activities with an enterprise or individual that produces, processes or dispenses cannabis
ADDITIONAL INFORMATION
What else should I know about the medical cannabis law?

- ARNPs are not required to authorize medical cannabis use for patients

- Employers may establish drug-free work policies and are not required to make accommodation for medical use of cannabis

- Recommendations are valid unless a specific expiration date is included

- Medical cannabis laws remain valid with the passage of I-502 legalizing recreational marijuana
Resources

• RCW 69.51a Medical Cannabis
  http://apps.leg.wa.gov/rcw/default.aspx?cite=69.51a&full=true

• Washington State Nurse Practice Act
  http://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission/Laws.aspx
Resources

• Washington State Department of Health Frequently Asked Questions About Medical Marijuana (Cannabis) in Washington State
  http://www.doh.wa.gov/YouandYourFamily/IllnessandDisease/MedicalMarijuanaCannabis/GeneralFrequentlyAskedQuestions.aspx

• Washington State Healthcare Provider Frequently Asked Questions About Medical Cannabis
  http://www.doh.wa.gov/YouandYourFamily/IllnessandDisease/MedicalMarijuanaCannabis/HealthCareProvidersFrequentlyAskedQuestions.aspx