

# 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
- <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>
  - 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

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# 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://www.washingtonstatemedicalmarijuanaclinic.com/>
- <http://thc-foundation.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

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# 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  
<http://apps.leg.wa.gov/wac/default.aspx?cite=246-840-700>
- ARNPs authorizing medical cannabis must comply with the requirements of RCW 69.51A and scope of practice in the Nurse Practice Act  
<http://apps.leg.wa.gov/wac/default.aspx?cite=246-840-300>



# 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

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# 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

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# 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>