



CONTROLLED SUBSTANCES BOARD
Contact: Dan Williams (608) 266-2112
Room 121A, 1400 East Washington Avenue, Madison
December 18, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

AGENDA

9:00 A.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-2)**
- B. **Approval of Minutes:**
 - 1) March 4, 2014 **(3-6)**
 - 2) October 7, 2014 **(7-8)**
- C. **Legislation and Rule Matters – Discussion and Consideration (9-18)**
 - 1) CSB 2.36, Wis. Admin Code, Relating to Scheduling Tramadol
 - 2) CSB 2.37, Wis. Admin. Code, Relating to Rescheduling Hydrocodone Combination Products
 - 3) CSB 2.37, Wis. Admin. Code, Relating to Scheduling Suvorexant
 - 4) Update on Possible and Pending Rule-Making Projects
- D. **PDMP Update – Discussion and Consideration (19-22)**
- E. **Update on the National Governors Association (NGA) – Discussion and Consideration (23)**
- F. **Board Goals – Discussion and Consideration (24)**
- G. Discussion and Consideration of Items Received After Preparation of the Agenda:
 - 1) Introductions, Announcements, and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Final Decision and Order(s)
 - 5) Informational Item(s)
 - 6) DLSC Matters
 - 7) Status of Statute and Administrative Rule Matters
 - 8) Education and Examination Matters
 - 9) Credentialing Matters
 - 10) Practice Questions
 - 11) Legislation / Administrative Rule Matters
 - 12) Liaison Report(s)
 - 13) Speaking Engagement(s), Travel, or Public Relations Request(s)
 - 14) Consulting with Legal Counsel

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

I. **Credentialing Matters**

- 1) Application Reviews
 - a. Humane Society of Barron County **(25-46)**
 - b. Milwaukee County House of Correction **(47-76)**

J. **Case Status Report (77)**

K. Deliberation of Items Received After Preparation of the Agenda

- 1) Professional Assistance Procedure (PAP)
- 2) Monitoring Matters
- 3) Administrative Warnings
- 4) Review of Administrative Warning
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Proposed Final Decisions and Orders
- 7) Orders Fixing Costs/Matters Related to Costs
- 8) Petitions for Summary Suspension
- 9) Petitions for Re-hearings
- 10) Complaints
- 11) Examination Issues
- 12) Credential Issues
- 13) Appearances from Requests Received or Renewed
- 14) Motions
- 15) Consulting with Legal Counsel

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION
Voting on Items Considered or Deliberated on in Closed Session, If Voting is Appropriate

ADJOURNMENT

The next scheduled meeting is March 24, 2015.

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
March 4, 2014**

PRESENT: Yvonne Bellay, DVM; Alan Bloom (via GoTo Meeting); Doug Englebert, R. Ph.; Martin Koch; Franklin LaDien, R.Ph.

EXCUSED: Gunnar L Larson

STAFF: Dan Williams, Executive Director; Matthew Guidry, Bureau Assistant; and Other Departmental Staff. Board Legal Counsel was not able to be present for this meeting.

CALL TO ORDER

Doug Englebert, Chair, called the meeting to order at 9:35 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Franklin LaDien moved, seconded by Martin Koch, to adopt the agenda as published. Motion carried unanimously.

PUBLIC HEARING – CSB 3

MOTION: Martin Koch moved, seconded by Franklin LaDien, to accept all Clearinghouse comments for Clearinghouse Rule 14-009 relating to Special Use Authorization. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Franklin LaDien, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 14-009 amending CSB 3 for submission to the Governor's Office and Legislature. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 10, 2013

MOTION: Franklin LaDien moved, seconded by Alan Bloom, to approve the minutes of December 10, 2013 as published. Motion carried unanimously.

ELECTION OF OFFICERS

CHAIR

NOMINATION: Franklin LaDien nominated Doug Englebert for the Office of Chair.

Executive Director Dan Williams called for nominations three (3) times.

Doug Englebert was elected as Chair.

VICE CHAIR

NOMINATION: Yvonne Bellay nominated Alan Bloom for the Office of Vice Chair.

Executive Director Dan Williams called for nominations three (3) times.

Alan Bloom was elected as Vice Chair.

SECRETARY

NOMINATION: Martin Koch nominated Yvonne Bellay for the Office of Secretary.

Executive Director Dan Williams called for nominations three (3) times.

Yvonne Bellay was elected as Secretary.

MOTION: Franklin LaDien moved, seconded by Martin Koch, to acknowledge the following 2014 Officer Election Results. Motion carried unanimously.

2014 OFFICER ELECTION RESULTS	
Board Chair	Doug Englebert
Vice Chair	Alan Bloom
Secretary	Yvonne Bellay

Doug Englebert assumes the role of Chair of the meeting.

Alan Bloom assumes the role of Vice Chair of the meeting.

Yvonne Bellay assumes the role of Secretary of the meeting.

APPOINTMENT OF LIAISONS AND COMMITTEE MEMBERS

The Chair appoints the following members to:

2014 LIAISON APPOINTMENTS	
SUA Liaisons	Alan Bloom, Yvonne Bellay
SCAODA Liaison	Doug Englebert
Legislative Liaison	Doug Englebert (Alternate: Martin Koch)

- MOTION:** Yvonne Bellay moved, seconded by Alan Bloom, to acknowledge the appointments made by the chair as the 2014 Liaisons. Motion carried unanimously.
- MOTION:** Franklin LaDien moved, seconded by Martin Koch, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.
- MOTION:** Yvonne Bellay moved, seconded by Franklin LaDien, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.
- MOTION:** Martin Koch moved, seconded by Franklin LaDien, to authorize the SUA liaisons to review and make approval decisions regarding SUA applications. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.
- MOTION:** Franklin LaDien moved, seconded by Martin Koch, to authorize the SUA liaisons to approve required training or credentialing on behalf of the Board. Motion carried unanimously.
- MOTION:** Yvonne Bellay moved, seconded by Franklin LaDien, to delegate authority to the Legislative Liaison(s) to address Board issues related to legislative matters excluding media requests. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Alan Bloom, to authorize the SCAODA liaison to vote on behalf of the Board at the State Council on Alcohol and Other Drug Abuse meetings. Motion carried unanimously.

ADJOURNMENT

MOTION: Martin Koch moved, seconded by Franklin LaDien, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:59 a.m.

DRAFT

**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
October 7, 2014**

PRESENT: Yvonne Bellay, Doug Englebert, Martin Koch, Franklin LaDien, Gunnar Larson

EXCUSED: Alan Bloom

STAFF: Dan Williams – Executive Director, Jelena Gagula – Bureau Assistant, Sharon Henes – Rules Coordinator, and other DSPS Staff

CALL TO ORDER

Doug Englebert called the meeting to order at 2:10 p.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Franklin LaDien moved, seconded by Martin Koch, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 12, 2014

MOTION: Yvonne Bellay moved, seconded by Franklin LaDien, to approve the minutes of August 12, 2014 as published. Motion carried unanimously.

LEGISLATION AND RULE MATTERS

MOTION: Martin Koch moved, seconded by Yvonne Bellay, to approve the Scope Statement for Final Rule creating CSB 2.36 relating to Scheduling Tramadol for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Gunnar Larson, to affirm the rescheduling of Hydrocodone Combination Products to Schedule II to take effect on November 1, 2014 to allow for publication in the Administrative Register. Motion carried unanimously.

MOTION: Yvonne Bellay moved, seconded by Franklin LaDien, to approve the Scope Statement, as amended, for Final Rule creating CSB 2 relating to Rescheduling Hydrocodone Combination Products as Schedule II Controlled Substances for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Martin Koch, to affirm the scheduling of Suvorexant into Schedule IV. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Martin Koch, to have DSPS staff draft a Scope scheduling of Suvorexant into Schedule IV and designate the Chair to approve for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication.. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Franklin LaDien, to post the notification of the rescheduling of Hydrocodone Combination Products to Schedule II and the scheduling of Suvorexant into Schedule IV to the DSPS website. Motion carried unanimously.

ADJOURNMENT

MOTION: Martin Koch moved, seconded by Yvonne Bellay, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:47 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 9 December 2014 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 18 December 2014	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. CSB 2.36 relating to scheduling tramadol 2. CSB 2.37 relating to rescheduling hydrocodone combination products 3. CSB 2.38 relating to scheduling suvorexant 4. Update on possible and pending rule-making projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>9 December 2014</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.36 relating to scheduling tramadol as a schedule IV controlled substance.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.20, Stats.

Statutory authority: ss. 961.11(2) and (4), Stats.

Explanation of agency authority:

961.11(2) After considering the factors enumerated in sub. (1m), the controlled substances board shall make findings with respect to them and promulgate a rule controlling the substance upon finding that the substance has a potential for abuse.

961.11(4) If a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2).

Related statute or rule:

Summary of, and comparison with, existing or proposed federal regulation:

On July 2, 2014, the United States Food and Drug Administration, Drug Enforcement Administration published its final rule in the Federal Register placing tramadol into schedule IV of the federal Controlled Substances Act. The scheduling action was effective August 18, 2014.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating tramadol as a schedule IV under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on August 14, 2014 to similarly treat tramadol under chapter 961 effective September 1, 2014 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.20(4)(e), Stats. which adds tramadol to schedule IV.

Comparison with rules in adjacent states:

Illinois: Illinois scheduled tramadol as a schedule IV controlled substance.

Iowa: Iowa is in the process of promulgating an administrative rule to amend the Iowa statutes to schedule tramadol as a schedule IV controlled substance.

Michigan: Michigan has not scheduled tramadol.

Minnesota: Minnesota has not scheduled tramadol.

Summary of factual data and analytical methodologies:

The methodology was to schedule Tramadol to conform with the federal Controlled Substances Act.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

None.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.36 is created to read:

CSB 2.36 Addition of tramadol to schedule IV. Section 961.20(4)(e), Stats., is created to read: *961.20(4)(e) Tramadol, including any of its isomers and salts of isomers.*

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Member of the Board
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.37 relating to rescheduling hydrocodone combination products.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.18, Stats.

Statutory authority: ss. 961.11(2) and (4), Stats.

Explanation of agency authority:

961.11(2) After considering the factors enumerated in sub. (1m), the controlled substances board shall make findings with respect to them and promulgate a rule controlling the substance upon finding that the substance has a potential for abuse.

961.11(4) If a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2).

Related statute or rule:

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating hydrocodone combination products as a schedule II instead of schedule III under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on October 7, 2014 to similarly treat hydrocodone combination products under chapter 961 effective November 1, 2014 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule repeals sections 961.18(5)(c) and (d) which reschedules hydrocodone combination products from a schedule III to a schedule II.

Summary of, and comparison with, existing or proposed federal regulation:

On August 22, 2014, the United States Food and Drug Administration, Drug Enforcement Administration published its final rule in the Federal Register rescheduling hydrocodone combination products from a schedule III to a schedule II of the federal Controlled Substances Act. The scheduling action was effective October 6, 2014.

Comparison with rules in adjacent states:

Illinois: Illinois has not rescheduled hydrocodone combination products.

Iowa: Iowa is in the process of promulgating an administrative rule to amend the Iowa statutes to reschedule hydrocodone combination products from schedule III to schedule II.

Michigan: Michigan has not rescheduled hydrocodone combination products.

Minnesota: Minnesota has not rescheduled hydrocodone combination products.

Summary of factual data and analytical methodologies:

The methodology was to reschedule hydrocodone combination products to conform with the federal Controlled Substances Act.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

None.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.36 is created to read:

CSB 2.37 Rescheduling of hydrocodone combination products. Section 961.18(5)(c) and (d), Stats. are repealed.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Member of the Board
Controlled Substances Board

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 2.38 relating to scheduling Suvorexant as a schedule IV controlled substance.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.20, Stats.

Statutory authority: ss. 961.11(2) and (4), Stats.

Explanation of agency authority:

961.11(2) After considering the factors enumerated in sub. (1m), the controlled substances board shall make findings with respect to them and promulgate a rule controlling the substance upon finding that the substance has a potential for abuse.

961.11(4) If a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2).

Related statute or rule:

Summary of, and comparison with, existing or proposed federal regulation:

On August 28, 2014, the United States Food and Drug Administration, Drug Enforcement Administration published its final rule in the Federal Register placing Suvorexant into schedule IV of the federal Controlled Substances Act. The scheduling action was effective September 29, 2014.

Plain language analysis:

The Controlled Substances Board did not receive an objection to treating Suvorexant as a schedule IV under ch. 961, Stats. based upon the federal scheduling. The Controlled Substances Board took affirmative action on October 8, 2014 to similarly treat Suvorexant under chapter 961 effective November 1, 2014 to allow for publication in the Administrative Register. The Affirmative Action Order will expire upon promulgation of a final rule.

This rule creates s. 961.20(2)(mr), Stats. which adds Suvorexant to schedule IV.

Comparison with rules in adjacent states:

Illinois: Illinois has not scheduled Suvorexant.

Iowa: Iowa is in the process of promulgating an administrative rule to amend the Iowa statutes to schedule Suvorexant as a schedule IV controlled substance.

Michigan: Michigan has not scheduled Suvorexant.

Minnesota: Minnesota has not scheduled Suvorexant.

Summary of factual data and analytical methodologies:

The methodology was to schedule Suvorexant to conform with the federal Controlled Substances Act.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

None.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

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Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 2.36 is created to read:

CSB 2.36 Addition of Suvorexant to schedule IV. Section 961.20(2)(mr), Stats., is created to read:

961.20(2)(mr) Suvorexant.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

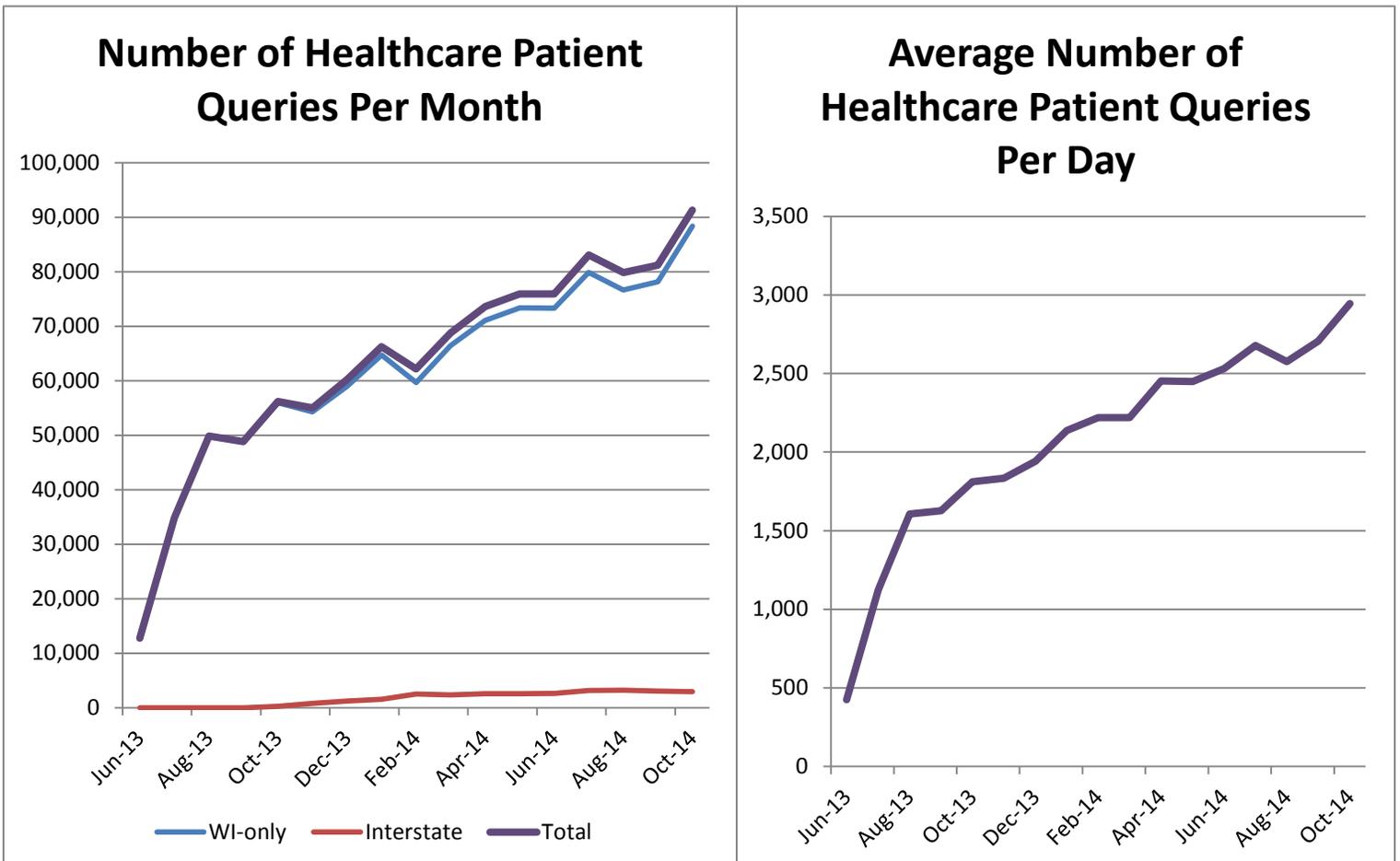
Member of the Board
Controlled Substances Board



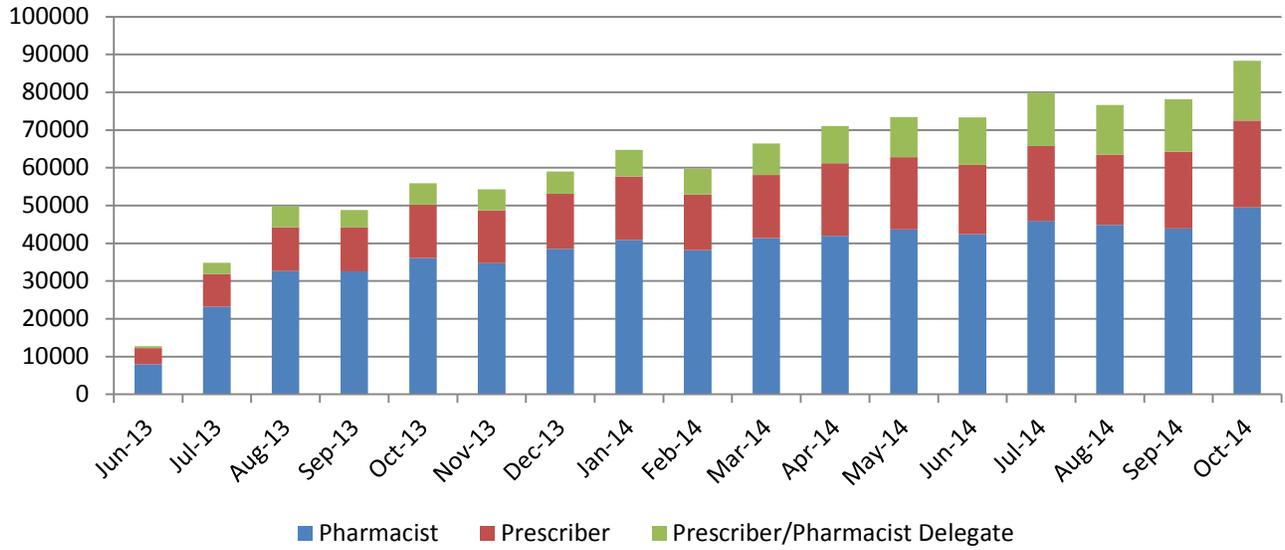
Operational Statistics of the WI PDMP

Compiled on November 26, 2014

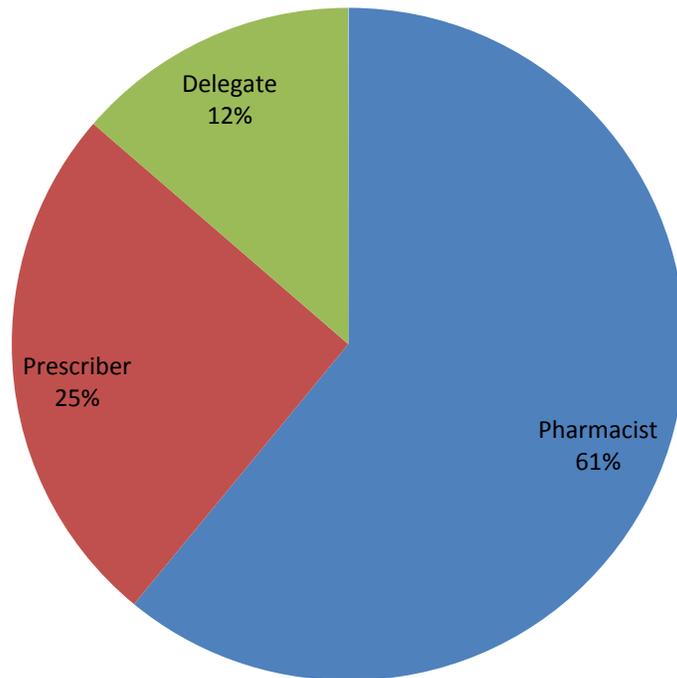
- Approximately 20.4 million R_x records in the database
- Approximately 1,750 dispensers actively submitting data
- Approximately 10,333 healthcare users have query accounts
- Healthcare users have created over 1,119,000 million recipient queries since June 1, 2013
 - In addition, healthcare users have created over 31,500 interstate queries since October 1, 2013
- Healthcare Users have initiated approximately 860 PDMP Alerts since July 1, 2013



Recipient Queries Performed by User Group



Recipient Queries Performed by User Group June 2013 - October 2014



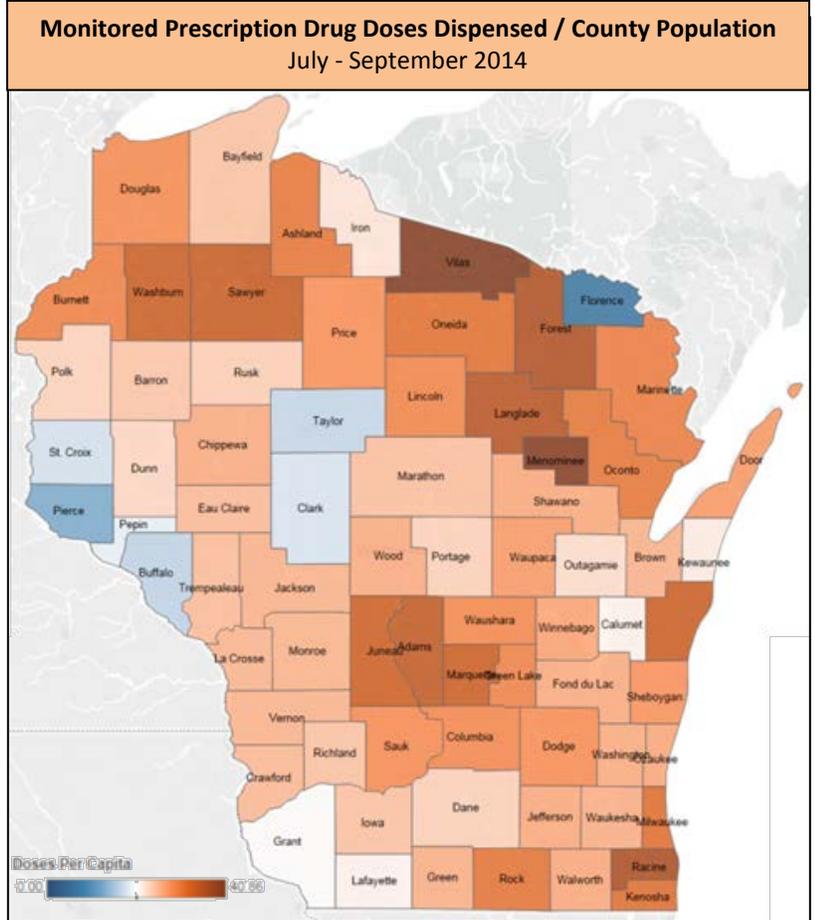


Scott Walker, Governor
 Dave Ross, Secretary

JULY 1 – SEPTEMBER 30, 2014 STATISTICS SHEET #7

PDMP Operations			
	July – September 2014	2014 YTD	Since January 2013
# of Dispensers	1,752	1,973	2,504
# of Prescriptions	2,647,509	7,838,137	18,124,751
Quantity Dispensed	157,314,878	474,327,009	1,107,696,995
Estimated Days Supply	57,594,523	171,351,201	390,506,700

Top 15 Monitored Prescription Drug Prescriptions July - September 2014		
Drug Name	Number of Prescriptions	Percent of MPP Prescriptions
HYDROCODONE/ACETAMINOPHEN	525,349	19.84%
DEXTROAMPHETAMINE/AMPHETAMINE	196,096	7.41%
TRAMADOL HCL	191,504	7.23%
OXYCODONE HCL	182,155	6.88%
ALPRAZOLAM	181,618	6.86%
LORAZEPAM	177,873	6.72%
OXYCODONE HCL/ACETAMINOPHEN	158,516	5.99%
ZOLPIDEM TARTRATE	153,709	5.81%
CLONAZEPAM	145,637	5.50%
METHYLPHENIDATE HCL	93,795	3.54%
MORPHINE SULFATE	74,160	2.80%
DIAZEPAM	72,242	2.73%
LISDEXAMFETAMINE DIMESYLATE	53,772	2.03%
ACETAMINOPHEN WITH CODEINE	53,436	2.02%
PREGABALIN	50,827	1.92%



County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population
Adams	34.67	Dane	23.72	Iowa	24.78	Marathon	24.92	Polk	23.57	Taylor	16.97
Ashland	30.78	Dodge	28.59	Iron	22.25	Marinette	30.25	Portage	23.68	Trempealeau	25.23
Barron	24.55	Door	27.72	Jackson	25.92	Marquette	33.87	Price	28.38	Vernon	25.81
Bayfield	24.68	Douglas	28.84	Jefferson	26.54	Menominee	40.47	Racine	36.83	Vilas	40.86
Brown	25.89	Dunn	23.25	Juneau	33.71	Milwaukee	31.60	Richland	24.73	Walworth	26.60
Buffalo	16.65	Eau Claire	25.32	Kenosha	31.65	Monroe	25.85	Rock	31.12	Washburn	33.99
Burnett	29.86	Florence	6.50	Kewaunee	21.71	Oconto	30.84	Rusk	23.91	Washington	26.46
Calumet	21.28	Fond Du Lac	26.35	La Crosse	25.67	Oneida	31.49	Sauk	28.83	Waukesha	26.20
Chippewa	26.41	Forest	36.26	Lafayette	21.21	Outagamie	22.83	Sawyer	34.20	Waupaca	27.64
Clark	18.21	Grant	20.60	Langlade	35.60	Ozaukee	26.60	Shawano	26.58	Waushara	29.08
Columbia	29.16	Green	26.17	Lincoln	29.44	Pepin	19.16	Sheboygan	28.28	Winnebago	27.08
Crawford	25.42	Green Lake	29.67	Manitowoc	33.88	Pierce	12.79	St. Croix	17.85	Wood	26.42

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WISCONSIN CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 12/18/14	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Update on NGA – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed:			

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3) Name of Board, Committee, Council, Sections: WISCONSIN CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 12/18/14	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Goals – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <ul style="list-style-type: none"> ○ Requirement of signature of applicant on the SUA application ○ Emergency and permanent scope for emergency scheduling of UR-144, AKB48, and XLR11 ○ CSB 2 ○ CSB 3 – Limited SUA Permit ○ CSB 3 – Rejection of SUA Requests ○ HOPE Legislation tracking ○ Maintain and seekout general communications and educational efforts ○ Streamline SUA reviews ○ Website review 			