



---

## PHARMACY EXAMINING BOARD

**Contact: Dan Williams (608) 266-2112**  
**Room 121A 1400 East Washington Avenue, Madison, WI 53703**  
**March 25, 2015**

*Notice: 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 action and deliberation of the Board.*

### AGENDA

**10:00 A.M.**

*Or immediately following the pharmacy rules committee meeting.*

#### OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-4)**
- B. **Approval of Minutes of February 11, 2015 (5-9)**
- C. **Administrative Updates – Discussion and Consideration (10-11)**
  - 1) Staff Updates
  - 2) Appointment of Liaisons and Delegation of Authority
  - 3) Board Member – Term Expiration Date
    - a. Franklin LaDien – 7/1/2016
    - b. Terry Maves – 7/1/2018
    - c. Charlotte Rasmussen – 7/1/2014
    - d. Thaddeus Schumacher – 7/1/2015
    - e. Kristi Sullivan – 7/1/2016
    - f. Philip Trapskin – 7/1/2017
    - g. Cathy Winters – 7/1/2017
- D. **Variances**
  - 1) Reports
    - a. University of Wisconsin Hospitals and Clinics– Tech-Check-Tech (TCT) **(12-13)**
- E. **Legislation/Administrative Rule Matters – Discussion and Consideration (14-22)**
  - 1) Scope Statements for Phar 1, 8, 18 Relating to Definitions, Controlled Substances and Prescription Drug Monitoring Program (PDMP) **(15-18)**
  - 2) Proposals for New Scope Statements for Phar 8, 18 Relating to Act 199
    - a. Genoa Inquiry **(19-21)**
  - 3) Update on Legislation and Pending or Possible Rulemaking Projects
  - 4) Board Legislative and Rule Goal List **(22)**

- F. PDMP Update – Discussion and Consideration (23-26)**
- 1) PDMP Operations Update
    - a. Statistics
    - b. PDMP Enhancements
  - 2) Grants Update
    - a. Substance Abuse and Mental Health Services Administration (SAMHSA) Electronic Health Records (EHR) and PDMP Data Integration Grant Update
    - b. Harold Rogers PDMP Enhancement Grant Update
  - 3) Projects Update
    - a. SAMHSA Drug Abuse Policy Academy
    - b. National Governors Association (NGA) Policy Academy on Reducing Prescription Drug Abuse
    - c. Emergency Medical Technician (EMT) PDMP Access Pilot
  - 4) Miscellaneous Items
- G. Speaking Engagement(s), Travel, or Public Relations Request(s)**
- 1) Update on NABP Multistate Pharmacy Jurisprudence Examination (MPJE) Item Development Workshop – March 19-20, 2015 – Mount Prospect, IL
- H. 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 Proposed Final Decision and Order(s)
  - 5) Informational Items
  - 6) Division of Legal Services and Compliance (DLSC) Matters
  - 7) Education and Examination Matters
  - 8) Credentialing Matters
  - 9) Practice Questions/Issues
  - 10) Legislation/Administrative Rule Matters
  - 11) Speaking Engagement(s), Travel, or Public Relations Request(s)
  - 12) Prescription Drug Monitoring Program Information
  - 13) Consulting with Legal Counsel
  - 14) **Liaison Report(s)**
    - a. CE Liaison: Terry Maves
    - b. Credentialing Liaison: Thaddeus Schumacher, Franklin LaDien
    - c. Digest Advisory: Philip Trapskin
    - d. Legislative Liaison: Philip Trapskin, Thaddeus Schumacher, Terry Maves
    - e. DLSC Liaison: Thaddeus J. Schumacher
    - f. PAP Liaison: Franklin LaDien
    - g. Monitor Liaison: Franklin LaDien
    - h. PHARM Rep to CSB: Franklin LaDien
    - i. Variance Report Liaison: Philip Trapskin
    - j. PHARM Rep to SCAODA: Charlotte Rasmussen
    - k. Screening Panel: Cathy Winters, Franklin LaDien, Charlotte Rasmussen
    - l. PDMP Workgroup: Terry Maves, Philip Trapskin

I. 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.).**

J. **Deliberation of Disciplinary Matters**

- 1) **Proposed Stipulations, Final Decision and Orders**
  - a. 14 PHM 059 (B.P.M.) **(27-33)**
  - b. 14 PHM 137 (D.J.H.) **(34-40)**
  - c. 14 PHM 138 (N.E.P.) **(41-46)**
- 2) **Monitoring (47-61)**
  - a. **APPEARANCE - Craig R. Osness, R.Ph – Requesting Consideration of Tabled Petition for Full Licensure (48-61)**
- 3) **Case Status Report and Case Closure Deliberation (62-68)**
  - a. 14PHM137(T.L.P.) **(66-68)**

K. Deliberation of Items Received After Preparation of Agenda

- 1) Credential Issues and/or Reviews
- 2) Application Review
- 3) Education and Examination Matters
- 4) Disciplinary Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Monitoring Matters
- 7) Administrative Warnings
- 8) Review of Administrative Warning
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Proposed Final Decisions and Orders
- 11) Orders Fixing Costs/Matters Related to Costs
- 12) Petitions for Summary Suspension
- 13) Designation of Hearing Examiner
- 14) Case Closings
- 15) Case Status Report
- 16) Petitions for Re-Hearing
- 17) Motions

L. Consult with Legal Counsel

**RECONVE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- M. Voting on Items Considered or Deliberated upon in Closed Session, if Voting is Appropriate**
- N. Board Meeting Process (Time Allocation, Agenda Items) – Discussion and Consideration**

**ADJOURNMENT**

The next scheduled meeting is June 3, 2015.

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
February 11, 2015**

**PRESENT:** Franklin LaDien, Charlotte Rasmussen, Thaddeus Schumacher, Kristi Sullivan, Philip Trapskin, Cathy Winters (*Excused at 12:59 p.m.*)

**EXCUSED:** Terry Maves

**STAFF:** Dan Williams – Executive Director, Kimberly Wood – Bureau Assistant, Sharon Henes – Rules Coordinator, and other Department staff

**CALL TO ORDER**

Thaddeus Schumacher, Chair, called the meeting to order at 10:12 a.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF DECEMBER 10, 2014**

**MOTION:** Kristi Sullivan moved, seconded by Cathy Winters, to approve the minutes of December 10, 2014 as published. Motion carried unanimously.

**ADMINISTRATIVE UPDATES**

**Election Of Officers**

**SLATE OF OFFICERS**

**NOMINATION:** Charlotte Rasmussen nominated the 2014 Slate of Officers to continue in 2015.

The 2014 Slate of Officers to continue in 2015 by unanimous consent.

<b>2015 OFFICER ELECTION RESULTS</b>	
Board Chair	Thaddeus Schumacher
Vice Chair	Franklin LaDien
Secretary	Philip Trapskin

**DELEGATION OF AUTHORITY**

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, 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:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, to appoint liaisons to the Department to act 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.

**Monitoring Liaison:**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document as outlined in the February 11, 2015 agenda packet. Motion carried unanimously.

*(Cathy Winters left the meeting at 12:59 p.m.)*

**Credentialing Liaison:**

**MOTION:** Kristi Sullivan moved, seconded by Philip Trapskin, to adopt the “Pharmacy Examining Board Delegated Authority to the Credentialing Liaison” document as outlined in the February 11, 2015 agenda packet. Motion carried unanimously.

**Legislative Liaison:**

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to delegate authority to the Legislative Liaison(s) to address issues related to legislative matters with approval by the Chair, or Vice Chair. Motion carried unanimously.

**Variance Report Liaison:**

**MOTION:** Kristi Sullivan moved, seconded by Franklin LaDien, to delegate authority to the Variance Report Liaison to address all issues related to variance report matters. Motion carried unanimously.

**Rules Committee:**

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to grant the Rules Committee the ability to address all rule making matters. Motion carried unanimously.

**VARIANCES**

**UNIVERSITY OF WISCONSIN HOSPITAL AND CLINICS**

**Pilot Project & Tech-Check-Tech**

**MOTION:** Charlotte Rasmussen moved, seconded by Franklin LaDien, to accept the reports of University of Wisconsin Hospital and Clinics. Motion carried. Recused: Philip Trapskin

*(Philip Trapskin recused himself and left the room for consideration of the variance requests of the University of Wisconsin Hospital and Clinics.)*

## **LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**MOTION:** Franklin LaDien moved, seconded by Cathy Winters, that the PDMP Work Group develop a draft recommendation for presentation to the Board, regarding the timing of Act 199 implementation. Motion carried unanimously.

### **Draft for Amending Phar 1, 8, and 18**

**MOTION:** Kristi Sullivan moved, seconded by Franklin LaDien, to authorize the Chair to approve a draft of Phar 1, 8, and 18, relating to Definitions, Controlled Substances, and Prescription Drug Monitoring Program for posting of economic impact comments and for submission to the Clearinghouse. Motion carried unanimously.

### **Approval for Scope of Phar 6**

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to approve the Scope Statement on Phar 6, relating to temperature and humidity, as amended, 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.

## **SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)**

### **National Association of Boards of Pharmacy (NABP) 11<sup>th</sup> Annual Meeting**

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to designate Cathy Winters as the Board's delegate to attend the NABP 11<sup>th</sup> Annual Meeting on May 16-19, 2015 in New Orleans, LA. Motion carried unanimously.

### **NABP Multistate Pharmacy Jurisprudence Examination (MPJE) Item Development Workshop**

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to authorize Terry Maves as the primary designee, Philip Trapskin as the alternate designee, to attend or participate in the NABP MPJE Item Development Workshop on March 19-20, 2015 in Mount Prospect, IL. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Franklin LaDien moved, seconded by Charlotte Rasmussen, to 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.). Thaddeus Schumacher, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Franklin LaDien-yes; Charlotte Rasmussen-yes; Thaddeus Schumacher-yes; Kristi Sullivan-yes; Philip Trapskin-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:08 p.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Franklin LaDien moved, seconded by Charlotte Rasmussen, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:29 p.m.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

**MOTION:** Kristi Sullivan moved, seconded by Philip Trapskin, to affirm all motions made in closed session. Motion carried unanimously.

## DISCIPLINARY MATTERS

**MOTION:** Franklin LaDien moved, seconded by Kristi Sullivan, to request that DLSC work with the DLSC Liaison to monitor suspicious drug orders. Motion carried unanimously.

## MONITORING

### **John Bosnjak, Pharm.D. – Requesting Modification**

**MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to grant the request of John Bosnjak, Pharm.D. for a reduction in the frequency of drug screens to 36 per year plus one annual hair test, and to deny the requests for reduction in the frequency of AA/NA meeting attendance and to removal of ordered limitations C20, C21, C22 and C23. **Reason for Denial:** Further compliance under the terms of the order is required before additional modifications will be approved. Motion carried unanimously.

### **Ryan J. Nelson, Pharm.D. – Requesting Modification**

**MOTION:** Franklin LaDien moved, seconded by Kristi Sullivan, to grant the request of Ryan J. Nelson, Pharm.D. for a reduction in the frequency of drug screens to 18 per year plus one annual hair test. Motion carried unanimously.

### **Erin Orth, R.Ph. – Requesting Modification**

**MOTION:** Philip Trapskin moved, seconded by Charlotte Rasmussen, to grant the request of Erin Orth, R.Ph. for a reduction in the frequency of drug screens to 36 per year plus one annual hair test and to deny her request for PIC hours. **Reason for Denial:** Further compliance under the terms of the order is required before additional modifications will be approved. Motion carried unanimously.

## CASE CLOSURE DELIBERATION

### 14 PHM 014

**MOTION:** Philip Trapskin moved, seconded by Charlotte Rasmussen, to close DLSC case number 14 PHM 014 for Insufficient Evidence (IE). Motion carried unanimously.

**14 PHM 079**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to close DLSC case number 14 PHM 079 for Prosecutorial Discretion (P3). Motion carried unanimously.

**14 PHM 125**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to close DLSC case number 14 PHM 125 for Prosecutorial Discretion (P3). Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:33 p.m.

DRAFT

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Nilajah Madison-Head – Bureau Assistant</b>		2) Date When Request Submitted:  <b>02/18/15</b>  <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: <b>Pharmacy Examining Board</b>			
4) Meeting Date:  <b>03/25/15</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>C. Administrative Matters</b> 1) <b>Staff Updates</b> 2) <b>Appointment of Liaisons and Delegation of Authority</b> 3) <b>Board Member – Term Expiration Date</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  <b>N/A</b>	
10) Describe the issue and action that should be addressed:  .			
11) Authorization			
<i>Nilajah Madison-Head</i>		<b>02/18/15</b>	
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.			

<b>2014 LIAISON APPOINTMENTS</b>	
CE Liaison	Terry Maves
Credentialing Liaisons	Thaddeus Schumacher, Franklin LaDien,
Digest Liaison	Philip Trapskin
Legislative Liaison	Philip Trapskin, Thaddeus Schumacher, Terry Maves
DLSC Liaison	Thaddeus Schumacher
PAP Liaison	Franklin LaDien
Monitor Liaison	Franklin LaDien
PHARM Rep to CSB	Franklin LaDien
Variance Report Liaison	Philip Trapskin
PHARM Rep to SCAODA	Charlotte Rasmussen
PDMP Work Group	Terry Maves, Philip Trapskin

<b>2014 SCREENING PANEL APPOINTMENTS</b>	
January-December 2014	Cathy Winters, Franklin LaDien, Charlotte Rasmussen,

# Wisconsin Department of Safety & Professional Services

Mail To: P.O. Box 8935  
 Madison, WI 53708-8935  
 FAX #: (608) 261-7083  
 Phone #: (608) 266-2112

1400 E. Washington Avenue  
 Madison, WI 53703  
 E-Mail: web@dps.wi.gov  
 Website: http://dps.wi.gov

**PHARMACY EXAMINING BOARD**  
**PHARMACY VARIANCE REPORT**  
**TECH-CHECK-TECH**  
**(FIRST DOSE)**

This is the second reporting period for the first dose tech-check-tech variance. Training and set-up for the program occurred in the months of April and May. First dose TCT went live in June. This report will be submitted on a quarterly basis. The reporting period for this second report is September 1, 2014 through November 30, 2014. Pharmacy information must be the name or title under which business is operated and the variance is granted. (This must be the name on the pharmacy label.)

<b>DBA NAME OF PHARMACY:</b> (This must be the name on the pharmacy label.)	<b>WI LICENSE NUMBER:</b>	<b>DATE VARIANCE GRANTED:</b>
University of Wisconsin Hospital and Clinics	5940-42	May 2014 (12 month pilot approved with quarterly reporting)
<b>TELEPHONE:</b>	<b>EMAIL:</b>	
608-263-1282	srough@uwhealth.org	

**CONTACT PERSON:**

Steve Rough – Director of Pharmacy

**PHARMACY ADDRESS** (pharmacy location to which the variance applies):      number, street, city, zip code

600 Highland Avenue, Madison, WI 53792

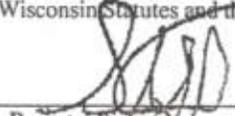
**FIRST DOSE TECH-CHECK-TECH**  
**VARIANCE REPORT OVERALL ACCURACY**  
**RATES FOR PHARMACY**  
**FOR TIME PERIOD December 1<sup>st</sup>, 2014 – February 28, 2015**  
**FOR ADDITIONAL TECHNICIANS, PLEASE COPY AND ATTACH TO THIS FORM**

Technician Designation	Dates Technician Checked	Doses RPh Double Checked	Number of Errors Found	Tech Accuracy Rate	Total Doses Checked by Technician	% RPh Double Checked
1	See below	416	0	100%	1213	34.3%
2	See below	6379	0	100%	20,011	31.9%
3	See below	147	0	100%	385	38.2%
<b>Total</b>			<b>0</b>	<b>100%</b>		

**OTHER REPORTING REQUIREMENTS:**       Yes     No      If yes, attach additional sheets.

Wisconsin Department of Safety and Professional Services

I/We declare that the foregoing statements and attached corresponding documents are true and correct to the best of my/our knowledge and belief; the variance applied for covers only the pharmacy indicated above and at the location(s) specified; and that I/we will comply with the provisions of the Wisconsin Statutes and the Rules of the Pharmacy Examining Board.

  
 Reporter Signature

Director of Pharmacy      03/10/15  
 Title      Date

Steve Rough  
 Printed Name of person signing above

# Wisconsin Department of Safety and Professional Services

Pharmacy License #: 5940-42

Report Period: 12/01/2014 – 02/28/2015

## FIRST DOSE TECH-CHECK-TECH VARIANCE REPORT ACCURACY RATES BY MONTH BY TECHNICIAN

FOR ADDITIONAL TECHNICIANS, PLEASE COPY AND ATTACH TO THIS FORM

Technician Designation **1**

Month Check Range	Dates Technician Checked	Doses RPh Double Checked	Number of Errors Found	Tech Accuracy Rate	Total Doses Checked by Technician	% RPh Double Checked
December	5, 22	188	0	100%	568	33.1%
January	N/A					
February	19, 27	228	0	100%	645	35.3%
<b>Total</b>		<b>416</b>	<b>0</b>	<b>100%</b>	<b>1213</b>	<b>34.3%</b>

Technician Designation **2**

Month Check Range	Dates Technician Checked	Doses RPh Double Checked	Number of Errors Found	Tech Accuracy Rate	Total Doses Checked by Technician	% RPh Double Checked
December	1,3,4,8,9,10,11,12,15,16,17,18,19, 23, 29, 30	2010	0	100%	6220	32.5%
January	5,6,7,8,9,12,13,14,15,16,19,20,21,26, 30	2316	0	100%	7241	32.0%
February	2,3,4,5,6,9,10,11,12,13,16,17,18,20, 23, 24,25	2053	0	100%	6550	31.3%
<b>Total</b>		<b>6379</b>	<b>0</b>	<b>100%</b>	<b>20,011</b>	<b>31.9%</b>

Technician Designation **3**

Month Check Range	Dates Technician Checked	Doses RPh Double Checked	Number of Errors Found	Tech Accuracy Rate	Total Doses Checked by Technician	% RPh Double Checked
December	2	147	0	100%	385	38.2%
January	N/A					
February	N/A					
<b>Total</b>		<b>147</b>	<b>0</b>	<b>100%</b>	<b>385</b>	<b>38.2%</b>

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>13 March 2015</b> 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:  <b>Pharmacy Examining Board</b>			
4) Meeting Date:  <b>25 March 2015</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> 1. <b>Scopes for Phar 1, 8, 18 relating to definitions, controlled substances and PDMP</b> 2. <b>Proposals for new scopes for Phar 8, 18 relating to Act 199</b> 3. <b>Updates on Legislation and Pending or Possible Rulemaking Projects</b> 4. <b>Board Legislative and Rule Goal List</b>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <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><b>Sharon Henes</b></i>		<i><b>13 March 2015</b></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.			

# STATEMENT OF SCOPE

## PHARMACY EXAMINING BOARD

Rule No.: Phar 1 and 8

Relating to: Definitions and controlled substances

Rule Type: Permanent

### This Statement of Scope amends SS 106-14

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The objective of the rule is to make the definitions in Phar 1 apply to all Pharmacy chapters, and move the misplaced word “emergency” in Phar 8.07(2) to before the word “oral” and not “electronic”.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

The proposed changes do not change policy and are a clean-up.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

450.02(2) The Board shall adopt rules defining the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

30 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Pharmacists and Pharmacies

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

There is federal law providing practitioners with the option of writing prescriptions for controlled substances electronically. The proposed rule does address the activity of the transfer of electronic prescriptions as it moves the misplaced word “emergency”.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

No economic impact. It is not likely to have a significant economic impact on small businesses.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

# STATEMENT OF SCOPE

## PHARMACY EXAMINING BOARD

Rule No.: Phar 18

Relating to: Operation of the Prescription Drug Monitoring Program (PDMP)

Rule Type: Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

N/A

### 2. Detailed description of the objective of the proposed rule:

The objective of the rule is to include in the definition of practitioner the holder of various Medical Examining Board temporary physician licenses (including the following: visiting professor license, camp physician license, locum tenens license, temporary educational permit, temporary physician license and resident educational license); minor clean-up which includes to modify language to make gender neutral and incidents of the words "dispenser" and "dispenser delegate" which should be "pharmacist" or "pharmacist delegate" and the repeal of Phar 18.03(2) and (3) which are no longer necessary because 2013 Act 124 included schedules IV and V listed in sub. (2) to the requirements in statute and tramadol is now federally scheduled so sub. (3) and thus covered by sub. (1).

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Medical Examining Board liaison to the Prescription Drug Monitoring Program requested the inclusion of the various temporary licenses in order that these practitioners are allowed access to the PDMP without the requirements of becoming another practitioner's delegate. This change will streamline the usage of the PDMP. The alternative to the existing policy is there would be holders of temporary physician licenses who are not allowed access to PDMP without becoming a delegate of another practitioner.

The other proposed changes do not change policy and are a clean-up to remove redundancy and create clarity.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

450.02(3)(d) The board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961.

450.19(2) The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs.

### 5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

50 hours

Rev. 3/6/2012

**6. List with description of all entities that may be affected by the proposed rule:**

Pharmacists

Licensees who are authorized to prescribe and dispense controlled substances: Physicians (including those holding temporary licenses and residents), advanced practice nurse prescribers, anesthesiologist assistants, physician assistants, dentists, podiatrist and pharmacies.

Department of Safety and Professional Services PDMP staff

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

Minimal or no economic impact. It is not likely to have a significant economic impact on small businesses.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

---

Department Head or Authorized Signature

---

Date Submitted



Healthcare

Sharon Hennes  
Dan Williams  
Pharmacy Examining Board  
WI Department of Safety and Professional Services  
Division of Policy Development  
1400 E. Washington Ave.  
PO Box 8366  
Madison, WI 53708-8366

Subject: 2013 WI Act 199 – Dispensing of Controlled Substances  
Exemption to the Identification Card Requirement

Dear Sir/Madam,

I am writing to request that there be an addition made to the list of exemptions noted under the identification card requirement (per WI Act 199). The list currently includes:

- Hospital
- Nursing home
- Community-based residential facility
- Continuing care facility
- Mental health institution
- County home
- County infirmary
- County hospital
- County mental health complex
- Veterans home
- Center for the developmentally disabled
- Local health department dispensary
- Adult family homes
- Residential care apartment complexes

Genoa Healthcare is a pharmacy situated within the Journey Mental Health clinic, a non-profit mental health clinic located in Madison WI. A large portion of the business we provide for Journey involves their Community Support Programs (CSPs) within the Madison area. These CSPs provide nursing care and case management to its consumers on an individual basis.

Office 608.251.1838  
Fax 608.251.2184

625 West Washington Ave.  
Madison, WI 53703

As the pharmacy provider, we deliver medications to the CSPs where they are signed for by a CSP staff member. The medications are then individually distributed to the consumers by nursing and case management staff. Sometimes the meds are provided under witnessed administration at the CSP site, other times they are delivered to the consumer at their place of residence. Given the pharmacy's lack of direct contact with the consumer, and the multi-leveled care provided to that consumer, I am requesting that the category of "Community Support Program" be added to the list of exemptions under Act 199.

I would be happy to appear at a future Board meeting to further discuss the topic, if requested. I can be reached by phone at (608) 251-1838 or email at [sgraham@genoahealthcare.com](mailto:sgraham@genoahealthcare.com).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Stacy Graham". The signature is written in a cursive style with a long, sweeping underline.

Stacy Graham, PharmD  
Pharmacy Manger  
Genoa Healthcare  
625 W. Washington Ave.  
Madison, WI 53703

# State of Wisconsin



2013 Assembly Bill 445

Date of enactment: April 7, 2014  
Date of publication\*: April 8, 2014

## 2013 WISCONSIN ACT 199

AN ACT to amend 450.19 (2) (b); and to create 450.11 (1b), 450.11 (9) (bm) and 450.19 (2m) of the statutes; relating to: identification presentation, name recording, monitoring for certain prescription drugs, and authorizing the exercise of rule-making authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 450.11 (1b) of the statutes is created to read:

450.11 (1b) IDENTIFICATION CARD REQUIRED FOR CERTAIN CONTROLLED SUBSTANCES. (a) In this subsection:

1. "Health care facility" means a facility, as defined in s. 647.01 (4); any hospital, nursing home, community-based residential facility, county home, county infirmary, county hospital, county mental health complex, or other place licensed or approved by the department of health services under s. 49.70, 49.71, 49.72, 50.03, 50.032, 50.033, 50.034, 50.35, 51.08, or 51.09; a facility under s. 45.50, 51.05, 51.06, 233.40, 233.41, 233.42, or 252.10; and any other facility identified by the board by rule.

2. "Identification card" means any of the following:

a. An operator's license issued under ch. 343 or under a comparable law of another state.

b. An identification card issued under s. 343.50 or under a comparable law of another state.

c. An identification card issued by a U.S. uniformed service.

d. A U.S. or foreign passport.

(b) Except as provided under par. (e), a controlled substance included in schedule II or III of ch. 961 may not be dispensed, and may not be delivered to a representa-

tive of the ultimate user, without an identification card belonging to the person to whom the drug is being dispensed or delivered.

(bm) A pharmacist or other person dispensing or delivering a drug shall legibly record the name on each identification card presented under par. (b) to the pharmacist or other person, and the name of each person to whom a drug is dispensed or delivered subject to par. (e) 2., and shall maintain that record for a time established by the board by rule or, for a record that is subject to s. 450.19, until the name is delivered to the board under s. 450.19, whichever is sooner.

(c) If the person to whom a drug subject to par. (b) is being delivered is not the ultimate user of the drug, the person delivering the drug may ask the ultimate user of the drug to designate a person who is authorized to pick up the drug on behalf of the ultimate user and may inform the person to whom the drug is being delivered that his or her identification is being recorded.

(d) A pharmacist is immune from any civil or criminal liability and from discipline under s. 450.10 for any act taken by the pharmacist in reliance on an identification card that the pharmacist reasonably believed was authentic and displayed the name of the person to whom the drug was being delivered if the sale was made in good faith.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

## PHARMACY EXAMINING BOARD GOALS

### Current Rule-making

1. Phar 1, 8, 18 (definitions, misplaced word “emergency”, PDMP revisions): Drafted but new scopes are necessary
2. Phar 2, 3, 4 (Act 114 and 124): Drafting rule
3. Phar 5 (renewal and reinstatement): Drafting rule
4. Phar 6 (temperature/humidity control): Scope at GORC
5. Phar 7 (practice of pharmacy): Obtaining proposals
6. Phar 7.015 (technicians): Scope approved by Governor on 12/4/12, however will be working this into Phar 7 revision rather than separate project. (NOTE: The Governor’s Office cautioned the Board that statutory authority to regulate pharmacy technicians is limited to regulating the distribution and dispensing functions of a pharmacy technician.)
7. Phar 8, 18 (Act 199): New scopes are necessary
8. Phar 15 (compounding): Drafting rule

### Potential Rule-making

1. Phar 7.09(1)(b) (Automated Dispensing systems): Different definitions of “Institutional” pharmacy throughout the practice act (see RDS); would like to include jails, prisons, etc. under Phar 7.09(1)(b).
2. Phar 13 (Distributor Requirements): Clean-up
3. Phar 7.02 (Prescription label): § 450.11(4g), Wis. Stats. Brand name permitted on label; issue prescription written for generic.
4. Rules based upon § 450.073(3), Wis. Stats. (electronic track and trace pedigree system) Implementation date of July 1, 2015.
5. Phar 12: Update to include security requirements
6. Update administrative rules (sections or omnibus)
7. Phar 17.02(5) (intern hours from 1500 to 1740) and Phar 17.07(1) (student non-academic internship after second professional year). Change “internship” to “practice experience” IPPE v. APPE. {NOTE: *There is a scope related to this and the Board decided to not move forward*}
8. Phar 1.01 and 1.02; chs. Phar 1 to 16. Phar 17 and Phar 18.

### Potential Legislation

1. Pharmacy technician credentialing
2. Recognize other types of pharmacy licenses besides community and institutional ex. licensure of entities that supply oxygen to patients, clinics, RDS, etc.
3. Change § 450.03(1)(f) for interns, Wis. Stats.
4. Update pharmacy statutes (sections or omnibus)
5. Change 450.01(15) to include “pharmacy intern” (track federal language)

### Additional Board member ideas

1. Address pharmacists working at home issue
2. Wis. Stats. Chapter 450.02 (3m), option to exceed 90 days
3. Define patient consultation
4. Develop scope of practice statement
5. Monitor Medical Examining Board changes
6. Continuous professional development (CPD) v. continuing education
7. Administrative rules for out-of-state pharmacies
8. USP recommendations on what should be on prescription label
9. Address collaborative practice agreements.

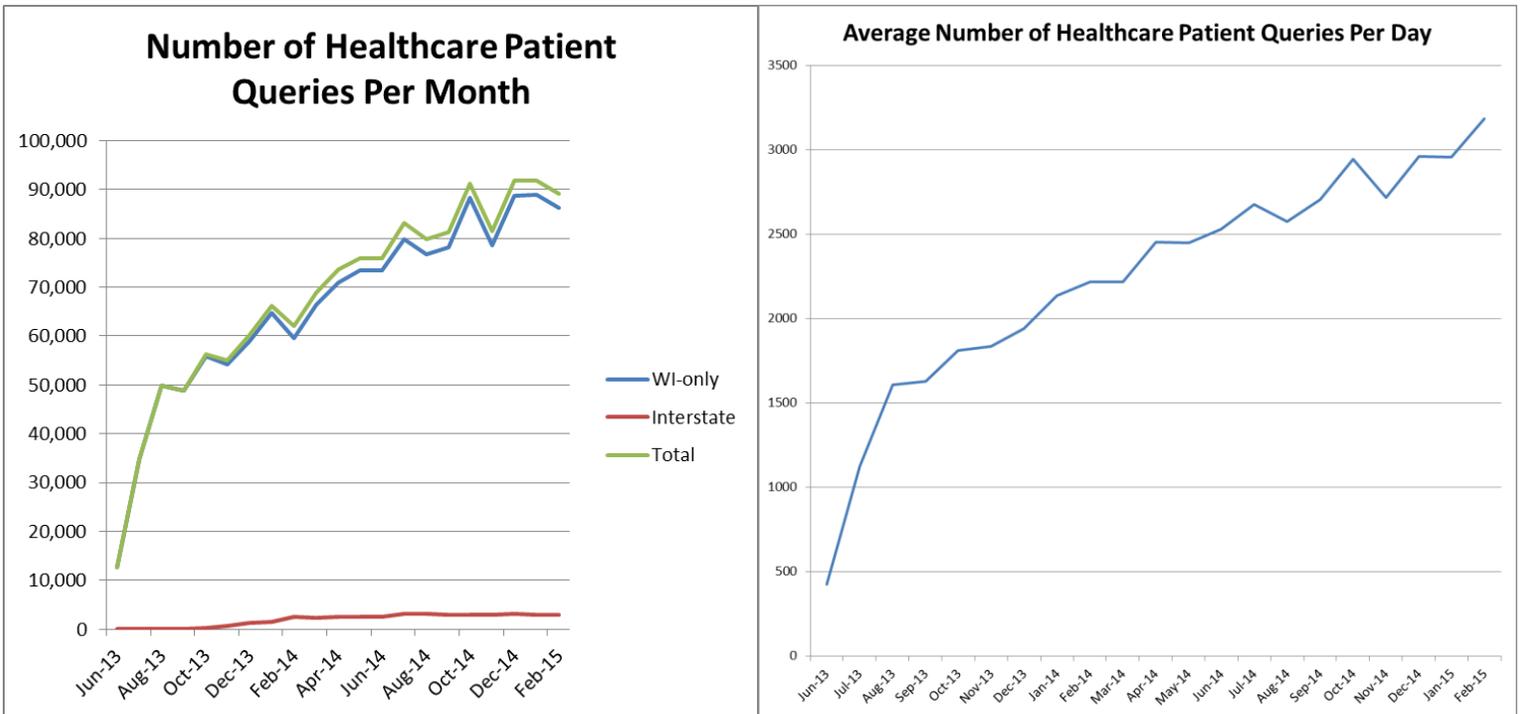




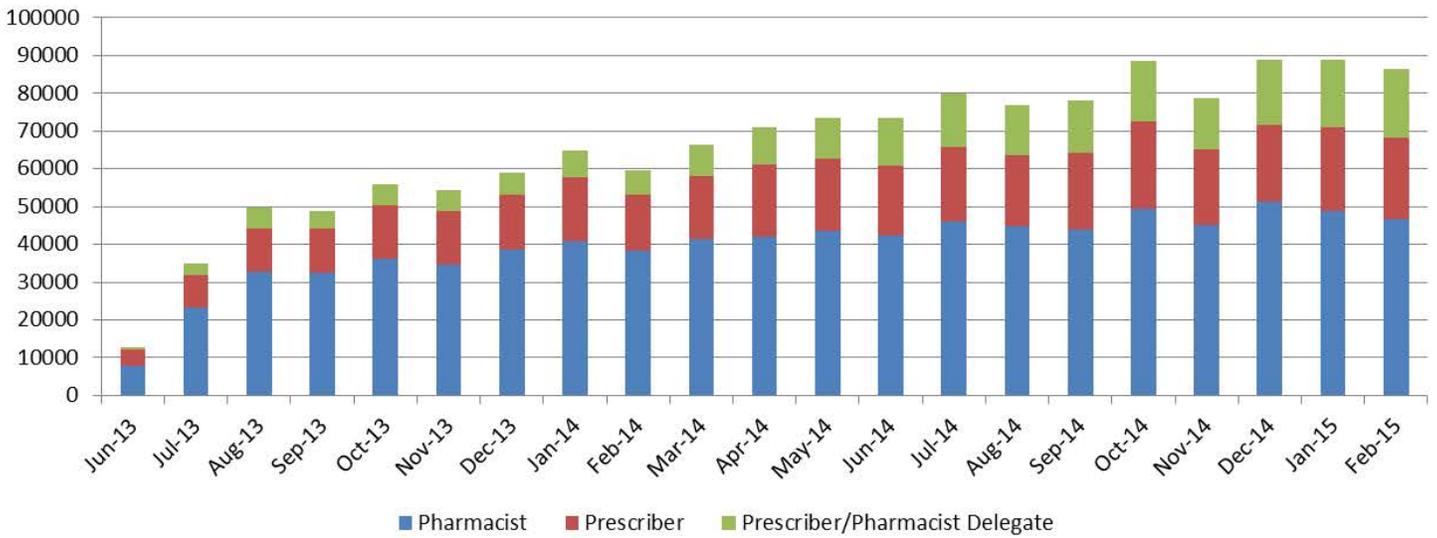
## Operational Statistics of the WI PDMP

*Compiled on March 10, 2015*

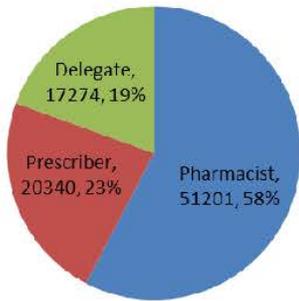
- Approximately 23.6 million R<sub>x</sub> records in the database
- Approximately 1,800 dispensers actively submitting data
- Approximately 11,000 healthcare users have query accounts
- Healthcare users have created over 1.4 million recipient queries since June 1, 2013
  - In addition, healthcare users have created over 41,000 interstate queries since October 1, 2013
- Healthcare Users have initiated approximately 1,000 PDMP Alerts since July 1, 2013



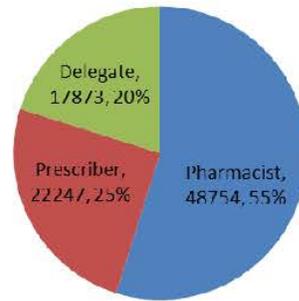
## Recipient Queries Performed by User Group



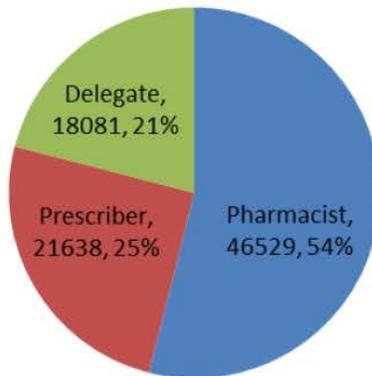
### December 2014 Recipient Queries



### January 2015 Recipient Queries



### February 2015 Recipient Queries



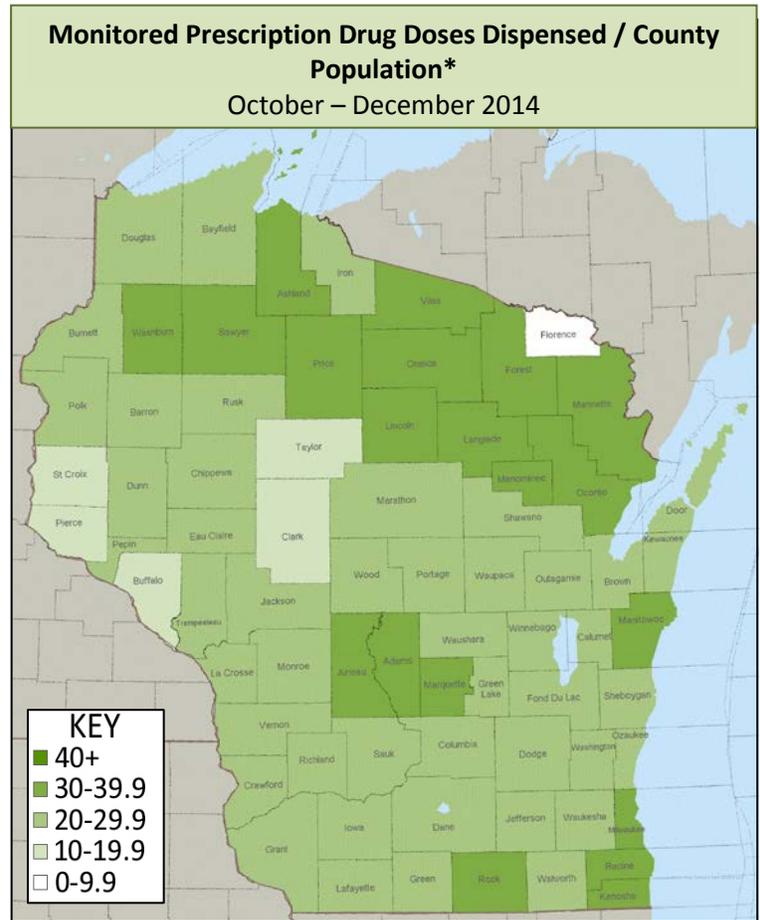


Scott Walker, Governor  
 Dave Ross, Secretary

## OCTOBER 1 – DECEMBER 31, 2014 STATISTICS SHEET #8

PDMP Operations			
	October – December 2014	2014 YTD	Since January 2013
<b># of Dispensers</b>	1,743	2,084	2,606
<b># of Prescriptions</b>	2,674,906	10,864,255	21,539,396
<b>Quantity Dispensed</b>	163,438,835	12,890,564,751	454,826,667,446
<b>Estimated Days Supply</b>	58,767,253	237,845,332	470,226,540

Top 15 Monitored Prescription Drug Prescriptions October – December 2014		
Drug Name	Number of Prescriptions	Percent of MPPD Prescriptions
HYDROCODONE/ACETAMINOPHEN	461,498	17.25%
DEXTROAMPHETAMINE/AMPHETAMINE	205,086	7.67%
TRAMADOL HCL	197,493	7.38%
OXYCODONE HCL	192,436	7.19%
ALPRAZOLAM	180,464	6.75%
LORAZEPAM	178,444	6.67%
OXYCODONE HCL/ACETAMINOPHEN	161,887	6.05%
ZOLPIDEM TARTRATE	155,002	5.79%
CLONAZEPAM	146,099	5.46%
METHYLPHENIDATE HCL	101,744	3.80%
MORPHINE SULFATE	77,310	2.89%
DIAZEPAM	72,643	2.72%
ACETAMINOPHEN WITH CODEINE	60,696	2.27%
LISDEXAMFETAMINE DIMESYLATE	57,779	2.16%
PREGABALIN	53,387	2.00%



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	36.47	Dane	24.64	Iowa	25.55	Marathon	26.07	Polk	24.39	Taylor	17.97
Ashland	32.05	Dodge	29.36	Iron	21.71	Marinette	30.25	Portage	25.00	Trempealeau	26.66
Barron	24.73	Door	28.81	Jackson	29.01	Marquette	33.90	Price	30.21	Vernon	26.99
Bayfield	25.04	Douglas	28.23	Jefferson	27.96	Menominee	38.43	Racine	37.61	Vilas	38.09
Brown	26.94	Dunn	23.19	Juneau	35.00	Milwaukee	32.82	Richland	26.18	Walworth	27.51
Buffalo	17.94	Eau Claire	26.50	Kenosha	32.07	Monroe	29.37	Rock	31.92	Washburn	34.82
Burnett	26.97	Florence	7.89	Kewaunee	23.32	Oconto	32.61	Rusk	24.26	Washington	27.40
Calumet	22.82	Fond Du Lac	27.34	La Crosse	27.66	Oneida	31.54	Sauk	29.23	Waukesha	27.87
Chippewa	27.41	Forest	35.59	Lafayette	21.97	Outagamie	24.34	Sawyer	33.15	Waupaca	28.36
Clark	19.85	Grant	21.55	Langlade	34.82	Ozaukee	28.23	Shawano	27.69	Wausara	29.83
Columbia	29.73	Green	27.02	Lincoln	30.37	Pepin	20.56	Sheboygan	29.48	Winnebago	27.80
Crawford	25.33	Green Lake	29.98	Manitowoc	35.32	Pierce	14.12	St. Croix	19.13	Wood	28.59