

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
DEPARTMENT OF SAFETY AND	:	ECONOMIC IMPACT ANALYSIS
PROFESSIONAL SERVICES	:	

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Department of Safety and Professional Services relating to optometrists prescribing hydrocodone combination products, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon Henes, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708-8366
Sharon.Henes@wisconsin.gov

The deadline for submitting economic impact comments is December 21, 2015.

PROPOSED ORDER

An order of the Department of Safety and Professional Services to create SPS 10.01 (10) (am) relating to optometrists prescribing hydrocodone combination products.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 449.18, and 961.39, Stats.

Statutory authority: s. 449.18 (6) (cm), Stats.

The secretary of the department of safety and professional services shall, after consultation with the optometry examining board, the medical examining board and the pharmacy examining board, promulgate rules specifying those therapeutic pharmaceutical agents that may or may not be prescribed or administered. [s 449.18 (6) (cm), Stats.]

Related statute or rule: SPS 10

Plain language analysis:

Hydrocodone combination products were rescheduled to Schedule II controlled substances by the federal government effective October 6, 2014 and the Wisconsin Controlled Substances Board effective November 1, 2014. The scheduling change removed the ability for optometrists to prescribe hydrocodone combination products. 2015 Act 34 specifically added language to the statutes to allow optometrists to prescribe hydrocodone combination products pursuant to promulgation of rules.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois allows the prescribing of hydrocodone combination products by optometrist.

Iowa: Iowa allows the prescribing of hydrocodone combination products by optometrist.

Michigan: Michigan allows the prescribing of hydrocodone combination products by optometrists.

Minnesota: Minnesota allows the prescribing of hydrocodone combination products by optometrists.

Summary of factual data and analytical methodologies:

The Department consulted with the Medical Examining Board, Optometry Examining Board and Pharmacy Examining Board. The Department is promulgating rules in accordance with 2015 Act 34 provisions.

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

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. SPS 10.01 (10) (am) is created to read:

SPS 10.01 (10) (am) Controlled substances in schedule II only as any of the following:

1. Not more than 300 milligrams of hydrocodone per 100 milliliters or per 100 grams or not more than 15 milligrams per dosage unit, with a four-fold or greater quantity of an isoquinoline alkaloid of opium.
2. Not more than 300 milligrams of hydrocodone per 100 milliliters or per 100 grams or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

SECTION 2. EFFECTIVE DATE. Pursuant to s. 227.24 (1) (c), Stats., these rules shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)
