STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE PHARMACY EXAMINING BOARD	: : : :	ORDER OF THE PHARMACY EXAMINING BOARD ADOPTING RULES (CLEARINGHOUSE RULE 16-017)

ORDER

An order of the Pharmacy Examining Board to repeal Phar 2.01, 2.03, 2.04, 2.06, 4.01, 4.03 (3), 4.04, 4.045, 4.046, 4.05; to amend Phar 2.02 (1) (intro) and (a), and 4.03; to repeal and recreate Phar 2.05; and to create Phar 1.02 (6m) and 2.02 (1) (f) and (g) relating to application and examination.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 450.03 (2), 450.04, 450.05, Stats.

Statutory authority: ss. 15.08 (5) (b) and 450.02 (3) (d) and (e), Stats.

Explanation of agency authority:

The Pharmacy Examining Board shall promulgate rules for its own guidance and for the guidance of the profession and define and enforce professional conduct and unethical practices not inconsistent with the law relating to pharmacy.

The Pharmacy Examining Board may promulgate rules necessary for the administration and enforcement of chapters 450 and 961; and establishing minimum standards for the practice of pharmacy.

Related statute or rule: n/a

Plain language analysis:

Section 1 creates a definition for NABP which is the National Association of Boards of Pharmacy.

Section 2 repeals the qualifications for licensure as duplicative.

Section 3 removes the requirement that the completed application be submitted prior to examination. The application requires components which may be done prior to taking the examination. 2013 Wisconsin Act 114 prohibits the board from requiring a person to complete the required education prior to taking the examination.

Section 4 adds passing the examinations to the application procedure requirements.

Section 5 repeals the examinations for licensure as it is now addressed as part of the application requirements. It also repeals the qualifications for persons licensed in another state as duplicative.

Section 6 repeals and recreates the application procedure for applicants who hold a license in another state. The rule specifies that the a person who holds a license in another state complete the application, pay a fee, utilize the National Association of Boards of Pharmacy's Clearinghouse transfer application and take the multi-state pharmacy jurisprudence examination.

Section 7 repeals the examinations required for applicants who hold a license in another state as it is now addressed in the application procedure section.

Section 8 repeals the section on administration of the examinations due to the rule being out of date and the Board no longer administers the examinations.

Section 9 is amended to recognize the board may adopt the recommended passing score of the examination provider.

Section 10 repeals examination provisions which are obsolete due to the test n longer being a Board administered or developed test.

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

Comparison with rules in adjacent states:

Illinois: Illinois applicants are required to: pay a fee, provide proof of graduation and internship, and pass an examination. Applicants holding a license in another state applying for an Illinois license are required to show the requirements in the state they were licensed by examination were substantially equivalent to the requirements in Illinois.

Iowa: Iowa applicants are required to: pay a fee, provide proof of graduation and internship and pass the North American Pharmacist Licensure Examination and Multistate Pharmacy Jurisprudence Examination, Iowa Edition. Applicants holding a license in another state applying for an Iowa license are required to utilize the National Association of Boards of Pharmacy license transfer process.

Michigan: Michigan applicants are required to: pay a fee, provide proof of graduation and internship and pass the North American Pharmacist Licensure Examination and Multistate Pharmacy Jurisprudence Examination. Applicants holding a license in another state applying for a Michigan license are required to establish that they hold a license in another state and were licensed by exam in that state and pass the Multistate Pharmacy Jurisprudence Examination.

Minnesota: Minnesota applicants are required to: pay a fee, provide proof of graduation and internship and pass the North American Pharmacist Licensure Examination and Multistate Pharmacy Jurisprudence Examination. Applicants holding a license in another state applying for a Minnesota license requirements are: passing the Multistate Pharmacy Jurisprudence exam,

Minnesota version; evidence of internship or work experience and the Board may compel applicants who have not engaged in the practice of pharmacy in the two years preceding the filing of their application to take the North American Pharmacist Licensure Examination.

Summary of factual data and analytical methodologies:

The Board reviewed their rules to ensure statutory compliance and updated to current practices.

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 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 Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

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 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. Phar 1.02 (6m) is created to read:

Phar 1.02(6m) "NABP" means the National Association of Boards of Pharmacy.

SECTION 2. Phar 2.01 is repealed.

SECTION 3. Phar 2.02 (1) (intro) and (a) are amended to read:

Phar 2.02 Application procedure for original licensure. (1) Each applicant for original licensure as a pharmacist shall submit ~~a completed notarized application prior to the examination date on forms provided by the board. The application shall include~~ all of the following:

(a) ~~The~~ Completed application form with the signature of the applicant.

SECTION 4. Phar 2.02 (1) (f) and (g) are created to read:

Phar 2.02 (1) (f) Evidence of having passed the NAPLEX.

(g) Evidence of having passed the multi-state pharmacy jurisprudence examination with Wisconsin as primary state.

SECTION 5. Phar 2.03 and 2.04 is repealed.

SECTION 6. Phar 2.05 repealed and recreated:

Phar 2.05 Application procedure for persons licensed in another state. Each applicant licensed as a pharmacist in another state shall submit all of the following:
(1) Completed application form with the signature of the applicant and fee as determined by the department under s. 440.05, Stats.
(2) NABP Clearinghouse license transfer application.
(3) Evidence of having passed the multi-state pharmacy jurisprudence examination with Wisconsin as primary state.

SECTION 7. Phar 2.06 is repealed.

SECTION 8. Phar 4.01 is repealed.

SECTION 9. Phar 4.03 is amended to read:

Phar 4.03 Passing scores. (1) The passing scores set by the board represent the minimum competency required to protect public health and safety. The board may adopt the recommended passing score of the examination provider.

SECTION 10. Phar 4.03 (3) is repealed.

SECTION 11. Phar 4.04, 4.045, 4.046 and 4.05 are repealed.

SECTION 12. 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 7/21/16

Agency _____
Chair
Pharmacy Examining Board