STATEMENT OF SCOPE

PHARMACY EXAMINING BOARD

Rule No.: Phar 8

Relating to: Recording the name of the person the drug is dispensed or delivered to and the definition of health care facility

Rule Type: Permanent

This Statement of Scope amends SS 105-14

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

N/A

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

2013 Act 199 requires a person picking up certain controlled substances to present an identification card. The objective of the proposed rule is to implement 2013 Act 199 as it relates to length of time for maintaining the record of the name of the person presenting the identification card or the name of the person if personally known by the pharmacist.

2013 Act 199 also authorizes the Board to identify by rule other facilities to be included in the health care facility definition.

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:

2013 Act 199 creates a new policy requiring the pharmacist or other person dispensing or delivering certain controlled substances to record the name on the identification card presented by the person or the name of the person personally known by the pharmacist to whom the drug is being dispensed or delivered. 2013 Act 199 requires the record to be maintained for a time established by the board by rule or until the name is delivered to the Prescription Drug Monitoring Program. This proposed rule would establish the time for which the record must be maintained.

This rule may also identify by rule other facilities to be included in the health care facility definition.

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.

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

450.11(1b)(a)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, 49.71, 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.

450.11(1b)(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.

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

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

Pharmacies and Pharmacists

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):

None to minimal

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Authorized Signature

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