



VIRTUAL/TELECONFERENCE
PHARMACY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Christine Poleski (608) 266-2112
April 29, 2021

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 of the Board.

AGENDA

11:00 A.M.

(OR IMMEDIATELY FOLLOWING THE PHARMACY RULES COMMITTEE)

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of March 4, 2021 (5-8)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. 11:00 A.M. Public Hearing on CR 21-028, Related to Reciprocal License for Service Members, Former Service Members, and Spouses (9-18)**
 - 1) Review and Respond to Public Comments
 - 2) Review Clearinghouse Report on CR 21-028
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
- G. Legislative and Policy Matters – Discussion and Consideration (19)**
 - 1) 2021 Wisconsin Act 25 **(20-22)**
 - 2) 2021 Wisconsin Act 9 **(23-30)**
 - 3) Senate Bill 308 **(31-36)**
- H. Administrative Rule Matters – Discussion and Consideration (37)**
 - 1) EmR 2102 Reuse of PPE – Consideration of Extension Request **(38-41)**
 - 2) EmR 2105 Endorsement Licensure – Consideration of Extension Request **(42-45)**
 - 3) Pending or Possible Rulemaking Projects
 - a. Update on Rule Projects **(46-47)**

I. Variances – Discussion and Consideration

- 1) Review, Discussion and Consideration of All Current Variances
- 2) Review, Discussion and Consideration of Any Proposed Variances
- 3) Variance Requests Received After Preparation of the Agenda

J. Education and Examination Matters – Discussion and Consideration

- 1) Multistate Pharmacy Jurisprudence Examination (MPJE) Update

K. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration

- 1) Speaking Engagement Report: Pharmacy Society of Wisconsin (PSW) Virtual Event – Month of Advocacy-Pharmacy Examining Board Update – March 17, 2021
- 2) 2022 Annual Meeting Planning: National Association of Boards of Pharmacy (NABP)/American Association of Colleges of Pharmacy (AACCP) District IV

L. Credentialing Matters – Discussion and Consideration

- 1) 2021-2023 Licensure Fee and Credential Schedule **(48-53)**

M. COVID-19 – Discussion and Consideration

N. Pilot Program Matters – Discussion and Consideration

O. Discussion and Consideration on Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Pilot Program Matters
- 13) Variances
- 14) Liaison Reports
- 15) Board Liaison Training and Appointment of Mentors
- 16) Informational Items
- 17) Division of Legal Services and Compliance (DLSC) Matters
- 18) Presentations of Petitions for Summary Suspension
- 19) Petitions for Designation of Hearing Examiner
- 20) Presentation of Stipulations, Final Decisions and Orders
- 21) Presentation of Proposed Final Decisions and Orders
- 22) Presentation of Interim Orders
- 23) Pilot Program Matters
- 24) Petitions for Re-Hearing
- 25) Petitions for Assessments
- 26) Petitions to Vacate Orders
- 27) Requests for Disciplinary Proceeding Presentations
- 28) Motions
- 29) Petitions

- 30) Appearances from Requests Received or Renewed
- 31) Speaking Engagements, Travel, or Public Relation Requests, and Reports

P. 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.).

Q. Deliberation on Division of Legal Services and Compliance Matters

1) Case Closings

- a. 19 PHM 071 and 20 PHM 108 – L.C.P. **(54-60)**
- b. 19 PHM 189 – S.Y.R. **(61-68)**
- c. 19 PHM 194 – W. **(69-75)**
- d. 19 PHM 253 – S.P.P. **(76-80)**
- e. 19 PHM 254 – M.P. **(81-85)**
- f. 19 PHM 262 – P. **(86-91)**
- g. 19 PHM 264 – P.P.A. **(92-95)**
- h. 19 PHM 265 – D.M.P. **(96-100)**
- i. 19 PHM 266 – I.B.P. **(101-105)**
- j. 19 PHM 268 – C.D.R. **(106-109)**
- k. 20 PHM 059 – W., M.P.R. **(110-113)**
- l. 20 PHM 061 – H.P., O.B. **(114-117)**
- m. 20 PHM 094 – C.V.S.S. **(118-122)**
- n. 20 PHM 095 – L.M.P. **(123-127)**
- o. 20 PHM 126 – F.P. **(128-136)**
- p. 20 PHM 143 – S.V.P. **(137-140)**
- q. 20 PHM 148 – W.P.N. **(141-143)**
- r. 20 PHM 152 – J.L. **(144-149)**
- s. 21 PHM 009 – A.R. **(150-153)**

2) Administrative Warnings

- a. 19 PHM 189 – B.H.P. **(154-155)**
- b. 20 PHM 178 – R.J.N. **(156-157)**

R. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Application Reviews
- 4) DLSC Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petitions for Summary Suspensions
- 8) Petitions for Designation of Hearing Examiner
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Proposed Interim Orders
- 11) Administrative Warnings

- 12) Review of Administrative Warnings
- 13) Proposed Final Decisions and Orders
- 14) Matters Relating to Costs/Orders Fixing Costs
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-Hearing
- 22) Appearances from Requests Received or Renewed

S. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

T. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

U. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: JUNE 24, 2021

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 4822 Madison Yards Way, 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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PHARMACY EXAMINING BOARD
MEETING MINUTES
MARCH 4, 2021**

PRESENT: Tiffany O'Hagan, Anthony Peterangelo, John Weitekamp, Cathy Winters, Michael Walsh, Shana Weiss (*arrived at 11:03 a.m.*)

EXCUSED: Philip Trapskin

STAFF: Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Kassandra Walbrun, Administrative Rules Coordinator; Dale Kleven, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department staff

CALL TO ORDER

John Weitekamp, Chairperson, called the meeting to order at 11:00 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Michael Walsh moved, seconded by Cathy Winters, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 28, 2021

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, to approve the Minutes of January 28, 2021 as published. Motion carried unanimously.

(Shana Weiss joined the meeting at 11:03 a.m.)

VARIANCES

Review, Discussion and Consideration of All Current Variances

MOTION: Cathy Winters moved, seconded by Michael Walsh, to extend the existing variances regarding wholesale delivery to board-approved addresses and dispensing in locations that are not licensed pharmacies to 90 days from the current expiration date. The Board specifically finds that the requirements of s. 450.02(3m) have been met. Motion carried unanimously.

**SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION
REQUESTS, AND REPORTS**

MOTION: Michael Walsh moved, seconded by Tiffany O’Hagan, to designate Cathy Winters as the Board’s delegate, Tiffany O’Hagan as the Board’s alternate delegate, and to authorize John Weitekamp, to attend the Virtual 117th NABP Annual Meeting on May 13-14, 2021 and to authorize expenses. Motion carried unanimously.

**Speaking Engagement Request: Pharmacy Society of Wisconsin (PSW) Virtual Event –
Month of Advocacy-Pharmacy Examining Board Update – March 17, 2021**

MOTION: Cathy Winters moved, seconded by Tiffany O’Hagan, to designate Tiffany O’Hagan, Philip Trapskin, and John Weitekamp to speak on the Board’s behalf at the Pharmacy Society of Wisconsin (PSW) Month of Advocacy event on March 17, 2021 regarding the Pharmacy Examining Board Update. Motion carried unanimously.

CLOSED SESSION

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, 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.). John Weitekamp, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Tiffany O’Hagan-yes, Anthony Peterangelo-yes; Michael Walsh-yes; Shana Weiss-yes; John Weitekamp-yes; and Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:07 p.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND
COMPLIANCE (DLSC) MATTERS**

Case Closings

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, to close the following DLSC Cases for the reasons outlined below:

- a. 19 PHM 020 – G.P.-Prosecutorial Discretion (P2), L.R.C.-No Violation
- b. 19 PHM 022 – O.O.M.-Insufficient Evidence
- c. 19 PHM 026 – W.-Prosecutorial Discretion (P2)
- d. 19 PHM 068 – H.P., P.K.-Insufficient Evidence
- e. 19 PHM 111 – J.M.P.-No Violation
- f. 19 PHM 130 – T.D., P.S.-Insufficient Evidence
- g. 19 PHM 154 – T.P.A.-Insufficient Evidence

- h. 19 PHM 171 – I.C.S.-No Violation
- i. 19 PHM 229 – R.P.-Prosecutorial Discretion (P5)
- j. 19 PHM 230 – R.M.P.-Prosecutorial Discretion (P5)
- k. 19 PHM 238 – S.I.-Prosecutorial Discretion (P2)
- l. 19 PHM 241 – Z.P.-Prosecutorial Discretion (P5)
- m. 19 PHM 251 – S.P.-Prosecutorial Discretion (P5)
- n. 19 PHM 252 – S.P.-Prosecutorial Discretion (P5)
- o. 19 PHM 256 – T.P.-Prosecutorial Discretion (P5)
- p. 19 PHM 260 – G.S.P.A.C.-Prosecutorial Discretion (P5)
- q. 20 PHM 011 – A.P.-Prosecutorial Discretion (P2)

Motion carried unanimously.

19 PHM 253 – S.P.P.

MOTION: Cathy Winters moved, seconded by Tiffany O’Hagan, not to close DLSC Case Number 19 PHM 253, against S.P.P., and to refer the matter back to DLSC. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to adopt the Findings of Fact, Conclusions of Law and Orders in the matter of the following cases.

- a. 19 PHM 026 – Carl D. Below, R.Ph.
- b. 19 PHM 056 – Henry Ford Pharmacy Advantage
- c. 19 PHM 111 and 19 PHM 279 – Omnicare of Milwaukee
- d. 20 PHM 179 and 21 PHM 002 – Steven R. Brandenburg, R.Ph.

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Michael Walsh moved, seconded by Cathy Winters, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 2:36 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:37 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Cassandra Walbrun		2) Date when request submitted: 4/20/2021 <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: Pharmacy Examining Board															
4) Meeting Date: 4/29/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page: 11:00 AM Public Hearing on CR 21-028, related to reciprocal license for service members, former service members, and spouses. 1) Review and Respond to Comments 2) Review Clearinghouse Report on CR 21-028													
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:													
10) Describe the issue and action that should be addressed: 1) Public Hearing Rule draft (pdf) 2) Report (pdf)															
11) Authorization <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><i>Kassandra Walbrun</i></td> <td style="width: 30%; text-align: right;"><i>4/20/2021</i></td> </tr> <tr> <td>Signature of person making this request</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right;">Date</td> </tr> </table>				<i>Kassandra Walbrun</i>	<i>4/20/2021</i>	Signature of person making this request	Date	<hr/>		Supervisor (if required)	Date	<hr/>		Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date
<i>Kassandra Walbrun</i>	<i>4/20/2021</i>														
Signature of person making this request	Date														
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Supervisor (if required)	Date														
<hr/>															
Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date														

State of Wisconsin
Department of Safety & Professional Services

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
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 21-028)

PROPOSED ORDER

An order of the Pharmacy Examining Board to create Phar 2.06, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall 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.”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Pharmacy Examining Board.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Kassandra Walbrun, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Kassandra Walbrun, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on April 29, 2021 at 11:00 AM to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Phar 2.06 is created to read:

Phar 2.06 Application procedure for service members, former service members, and their spouses. (1) In this section:

- (a) “Former service member” has the meaning given in s. 440.09 (1) (a), Stats.
- (b) “Service member” has the meaning given in s. 440.09 (1) (b), Stats.
- (c) “Spouse” has the meaning given in s. 440.09 (1) (c), Stats.

(2) Each applicant for reciprocal licensure as a pharmacist shall submit all of the following:

- (a) A completed application form with the signature of the applicant and fee as determined by the department under s. 440.05 (2), Stats.
- (b) A statement that the applicant resides in this state.
- (c) Documentation that the applicant is a service member, former service member, or the spouse of a service member or former service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the applicant is a service member, former service member, or the spouse of a service member or former service member.
- (d) Evidence the applicant is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the applicant a license, certification, registration, or permit that qualifies the individual to perform acts authorized under a pharmacist license granted by the board.

(3) A license granted under this section expires on the renewal date specified in s. 440.08 (2) (a) 55., Stats., except that if the first renewal date specified in s. 440.08 (2) (a) 55., Stats., after the date on which the license is granted is within 180 days of the date on which the license is granted, the license expires on the second renewal date specified in s. 440.08 (2) (a) 55., Stats., after the date on which the license is granted.

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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date February 4, 2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Phar 2	
4. Subject Reciprocal credentials for service members, former service members, and their spouses	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. This rule was posted for economic comments and none were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. The Department estimates one-time administrative costs of \$603.35. These costs may be absorbed in the agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is reflecting s. 440.09, Stats., as created by 2019 Wisconsin Act 143. If the rule is not implemented, it will not reflect current requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
17. Compare With Approaches Being Used by Federal Government None	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

19. Contact Name	20. Contact Phone Number
Dale Kleven	(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 21-028

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the analysis for the proposed rule, under the heading for related statutes or rules, the board could consider adding citations to the other credentialing provisions in ss. Phar 2.02 and 2.05.

b. In s. Phar 2.06 (2) (a), the two items in that paragraph should be separated to stand alone in two paragraphs, similar to s. Phar 2.02 (1) (a) and (e).

3. Conflict With or Duplication of Existing Rules

The current administrative rules, in ss. Phar 2.02 and 2.05, specify the materials that an applicant must submit to apply for regular or transfer credentialing. As these materials are different from the information that must be submitted under the provision created in the proposed rule, in s. Phar 2.06 (2), the current text of ss. Phar 2.02 and 2.05 should each be amended to add the phrase, “Except as provided in s. Phar 2.06 (2),”.

4. Adequacy of References to Related Statutes, Rules and Forms

Section 440.09 (2) (a), Stats., requires an individual who is applying for a reciprocal credential to apply using a form prescribed by the Department of Safety and Professional Services or the credentialing board. Section 227.14 (3), Stats., requires references to forms to be included in a note. Accordingly, s. Phar 2.06 (2) (a) should be revised to include a note to indicate where the form may be found or how it may be obtained. [s. 227.14 (3), Stats.; and s. 1.12 (3), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. Phar 2.06 (2), the board should specify whether the required application materials are in addition to or notwithstanding the materials that an applicant must submit under ss. Phar 2.02 and 2.05.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Cassandra Walbrun, Administrative Rules Coordinator		2) Date when request submitted: 4/22/2021 <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: Pharmacy Examining Board			
4) Meeting Date: 4/29/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration 1. 2021 Wisconsin Act 25 2. 2021 Wisconsin Act 9 3. SB 308	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Wisconsin Act 25: third-party logistics providers, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rulemaking authority. (pdf) 2. Wisconsin Act 9: pharmacy benefit managers, prescription drug benefits, and granting rule-making authority (pdf) 3. Senate Bill 308: licensing and regulation of pharmacies and remote dispensing sites under the pharmacy practice law (pdf)			
11) Authorization			
<i>Kassandra Walbrun</i>		<i>4/22/2021</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



2021 Assembly Bill 120

Date of enactment: April 15, 2021
Date of publication*: April 16, 2021

2021 WISCONSIN ACT 25

AN ACT *to amend* 440.15, 450.01 (11m), 450.01 (21s) and 450.02 (1); and *to create* 440.08 (2) (a) 69g., 450.01 (13w), 450.01 (23) (p) and 450.075 of the statutes; **relating to:** third-party logistics providers, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

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

SECTION 1. 440.08 (2) (a) 69g. of the statutes is created to read:

440.08 (2) (a) 69g. Third-party logistics provider: July 1 of each even-numbered year.

SECTION 2. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 448.980 (5) (b) 3., and 448.985 (3) (a) 4., 450.071 (3) (c) 9., and 450.075 (3) (c) 9., the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 3. 450.01 (11m) of the statutes is amended to read:

450.01 (11m) "Facility" means a location where a wholesale distributor or 3rd-party logistics provider stores, distributes, handles, repackages, or offers for sale other services related to prescription drugs.

SECTION 4. 450.01 (13w) of the statutes is created to read:

450.01 (13w) "Out-of-state 3rd-party logistics provider" means a person located outside this state that

contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services within this state on behalf of the manufacturer but that does not take title to the manufacturer's prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

SECTION 5. 450.01 (21s) of the statutes is amended to read:

450.01 (21s) "~~Third-party~~ Third-party logistics provider" means a person that contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of the manufacturer but that does not take title to the manufacturer's prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

SECTION 6. 450.01 (23) (p) of the statutes is created to read:

450.01 (23) (p) The services of a 3rd-party logistics provider or out-of-state 3rd-party logistics provider.

SECTION 7. 450.02 (1) of the statutes is amended to read:

450.02 (1) The department shall keep a record of the proceedings and a register of the names and places of practice or business of pharmacies, manufacturers, wholesale distributors, 3rd-party logistics providers,

* 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."

~~out-of-state 3rd-party logistics providers~~, and other persons licensed under this chapter, and the books, registers and records of the department shall be prima facie evidence of the matters recorded.

SECTION 8. 450.075 of the statutes is created to read:

450.075 Third-party logistics providers; licensure. (1) LICENSE ALLOWED. A person acting as a 3rd-party logistics provider or an out-of-state 3rd-party logistics provider of any drug or device may apply to obtain a license from the board under this section. Where operations are conducted at more than one facility, a person acting as a 3rd-party logistics provider or out-of-state 3rd-party logistics provider may apply to obtain a license from the board for each such facility.

(2) APPLICATION. An applicant for a license under this section shall submit a form provided by the board showing all of the following and swear or affirm the truthfulness of each item in the application:

(a) The name, business address, and telephone number of the applicant.

(b) All trade or business names used by the applicant.

(c) Names, addresses, and telephone numbers of contact persons for all facilities used by the applicant for the warehousing, distribution, or other services on behalf of the manufacturer of prescription drugs.

(d) The type of ownership or operation for the applicant's business.

(e) If the applicant's 3rd-party logistics provider business is a partnership, the name of each partner and the name of the partnership.

(f) If the applicant's 3rd-party logistics provider business is a corporation, the name of each corporate officer and director, the name of the corporation, and the state of incorporation.

(g) If the applicant's 3rd-party logistics provider business is a sole proprietorship, the name of the sole proprietor and the name of the business entity.

(h) A list of all licenses and permits issued to the applicant by any other state that authorizes the applicant to warehouse or distribute prescription drugs.

(i) The name, address, and telephone number of a designated representative.

(j) For the person identified as the designated representative in par. (i), a personal information statement that contains all of the following:

1. The person's date and place of birth.

2. The person's place of residence for the 7-year period immediately preceding the date of the application.

3. The person's occupations, positions of employment, and offices held during the 7-year period immediately preceding the date of the application.

4. The name and addresses for each business, corporation, or other entity listed in subd. 3.

5. A statement indicating whether the person has been, during the 7-year period immediately preceding the date of the application, the subject of any proceeding

for the revocation of any business or professional license and the disposition of the proceeding.

6. A statement indicating whether the person has been, during the 7-year period immediately preceding the date of the application, enjoined by a court, either temporarily or permanently, from possessing, controlling, or distributing any prescription drug, and a description of the circumstances surrounding the injunction.

7. A description of any involvement by the person during the past 7 years with any business, including investments other than the ownership of stock in a publicly traded company or mutual fund, that manufactured, administered, prescribed, distributed, or stored pharmaceutical products or drugs, and a list of any lawsuits in which such a business was named as a party.

8. A description of any misdemeanor or felony criminal offense of which the person was, as an adult, found guilty, whether adjudication of guilt was withheld or the person pleaded guilty or no contest. If the person is appealing a criminal conviction, the application shall include a copy of the notice of appeal, and the person shall submit a copy of the final disposition of the appeal not more than 15 days after a final disposition is reached.

9. A photograph of the person taken within the 12-month period immediately preceding the date of the application.

(k) A statement that each facility used by the applicant for 3rd-party logistics provider services has been inspected in the 3-year period immediately preceding the date of the application by the board, a pharmacy examining board of another state, the National Association of Boards of Pharmacy, or another accrediting body recognized by the board, with the date of each such inspection.

(3) LICENSURE. The board shall grant a license to an applicant to act as a 3rd-party logistics provider or an out-of-state 3rd-party logistics provider if all of the following apply:

(a) The applicant pays the fee specified in s. 440.05 (1).

(b) The inspections conducted pursuant to sub. (2) (k) satisfy requirements adopted by the board for 3rd-party logistics providers or out-of-state 3rd-party logistics providers.

(c) All of the following apply to each person identified by the applicant as a designated representative:

1. The person is at least 21 years old.

2. The person has been employed full time for at least 3 years in a pharmacy or with a wholesale prescription drug distributor in a capacity related to the dispensing of and distribution of, and record keeping related to, prescription drugs.

3. The person is employed by the applicant full time in a managerial position.

4. The person is physically present at the 3rd-party logistics provider's or out-of-state 3rd-party logistics provider's facility during regular business hours and is

involved in and aware of the daily operation of the 3rd-party logistics provider or the out-of-state 3rd-party logistics provider. This subdivision does not preclude the person from taking authorized sick leave and vacation time or from being absent from the facility for other authorized business or personal purposes.

5. The person is actively involved in and aware of the daily operation of the 3rd-party logistics provider or the out-of-state 3rd-party logistics provider.

6. The person is a designated representative for only one applicant at any given time. This subdivision does not apply if more than one 3rd-party logistics provider or out-of-state 3rd-party logistics provider is located at the facility and the 3rd-party logistics providers or out-of-state 3rd-party logistics providers located at the facility are members of an affiliated group.

7. The person has not been convicted of violating any federal, state, or local law relating to distribution of a controlled substance.

8. The person has not been convicted of a felony.

9. The person submits to the department 2 fingerprint cards, each bearing a complete set of the applicant's fingerprints. The department of justice shall provide for the submission of the fingerprint cards to the federal bureau of investigation for purposes of verifying the identity of the person and obtaining the person's criminal arrest and conviction record.

(d) The applicant satisfies any other requirements established by the board by rule.

(4) **RULES.** The board shall promulgate rules implementing this section. The rules shall ensure compliance with the federal drug supply chain security act, 21 USC 360eee, et seq. The board may not promulgate rules that impose requirements more strict than the federal drug supply chain security act, or any regulations passed under the federal drug supply chain security act. The board may not promulgate rules that require a license under this section.

(5) **ACCESS TO RECORDS.** Applications for licensure under this section are not subject to inspection or copying under s. 19.35, and may not be disclosed to any person except as necessary for compliance with and enforcement of the provisions of this chapter.

(6) **INSPECTIONS.** A 3rd-party logistics provider or an out-of-state 3rd-party logistics provider shall allow the board and authorized federal, state, and local law enforcement officials to enter and inspect its facilities and delivery vehicles, to audit its records and written operating procedures, and to confiscate prescription drugs and records to the extent authorized by law, rule, or regulation.

(7) **APPLICABILITY.** (a) If the federal government establishes a licensing program for 3rd-party logistics

providers, the board shall evaluate the federal licensing program to determine whether licensing by this state of resident 3rd-party logistics providers is required for a resident 3rd-party logistics provider to provide 3rd-party logistics provider services in another state. If the board determines under this subsection that licensing by this state is not required, this section does not apply.

(b) By 2 years after the effective date of this paragraph ... [LRB inserts date], and biennially thereafter, the board shall evaluate whether continued licensing by this state of resident 3rd-party logistics providers is required for a resident 3rd-party logistics provider to provide 3rd-party logistics provider services in another state and, if the board determines licensing in this state is required, submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice continuing the licensing under this section. This section does not apply unless the board submits the notice under this paragraph.

SECTION 9. Nonstatutory provisions.

(1) **EMERGENCY RULES RELATED TO 3RD-PARTY LOGISTICS PROVIDERS.** The pharmacy examining board may promulgate emergency rules under s. 227.24 implementing s. 450.075. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until June 30, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) **INTERIM LICENSURE OF 3RD-PARTY LOGISTICS PROVIDERS.**

(a) In this subsection, the definitions under s. 450.01 apply.

(b) The board shall grant an interim license to an applicant to act as a 3rd-party logistics provider or an out-of-state 3rd-party logistics provider if, in the opinion of the board, the applicant is currently in compliance with federal law relating to 3rd-party logistics providers. The holder of an interim license under this subsection shall apply for a license under s. 450.075 on or after the date that emergency rules take effect under sub. (1), or the date on which permanent rules take effect, whichever is sooner. An interim license granted under this subsection expires 90 days after the date that emergency rules take effect under sub. (1), or 90 days after the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 440.05, no fee is required for an interim license issued under this subsection.

State of Wisconsin



2021 Senate Bill 3

Date of enactment: **March 26, 2021**

Date of publication*: **March 27, 2021**

2021 WISCONSIN ACT 9

AN ACT *to repeal* 40.51 (15m) and 632.86; *to renumber* 632.865 (1) (a); *to renumber and amend* 632.865 (1) (c) and 633.01 (4); *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 450.135 (9), 601.31 (1) (w), 601.46 (3) (b), 609.83, 616.09 (1) (a) 2., chapter 633 (title), 633.01 (1) (intro.) and (c), 633.01 (3), 633.01 (5), 633.04 (intro.), 633.05, 633.06, 633.07, 633.09 (4) (b) 2. and 3., 633.11, 633.12 (1) (intro.), (b) and (c), 633.13 (1) and (3), 633.14 (2) (intro.) and (c) 1. and 3. and (3), 633.15 (1) (a), (1m) and (2) (a) 1., 2. and 3. and (b) 1., 633.15 (2) (b) 2. and 633.16; and *to create* 450.13 (5m), 450.135 (8m), 632.861, 632.865 (1) (ae) and (ak), 632.865 (1) (c) 2., 632.865 (1) (dm), 632.865 (3) to (7), 633.01 (2r), 633.01 (4g), 633.01 (4r), 633.01 (6), 633.15 (2) (b) 1. d. and 633.15 (2) (f) of the statutes; **relating to:** pharmacy benefit managers, prescription drug benefits, and granting rule-making authority.

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

SECTION 1. 40.51 (8) of the statutes is amended to read:

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

SECTION 2. 40.51 (8m) of the statutes is amended to read:

40.51 (8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.729, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.861, 632.867, 632.885, 632.89, and 632.895 (11) to (17).

SECTION 3. 40.51 (15m) of the statutes is repealed.

SECTION 4. 66.0137 (4) of the statutes is amended to read:

66.0137 (4) **SELF-INSURED HEALTH PLANS.** If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self-insured basis, the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

SECTION 5. 120.13 (2) (g) of the statutes is amended to read:

120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855,

* 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."

632.861, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

SECTION 6. 185.983 (1) (intro.) of the statutes is amended to read:

185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a cooperative association organized under s. 185.981 shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (2) to (6), 632.885, 632.89, 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but the sponsoring association shall:

SECTION 7. 450.13 (5m) of the statutes is created to read:

450.13 (5m) DISCLOSURES TO CONSUMERS. (a) Each pharmacy shall post in a prominent place at or near the place where prescriptions are dispensed a sign that clearly describes a pharmacist's ability under this state's law to substitute a less expensive drug product equivalent under sub. (1s) unless the consumer or the prescribing practitioner has indicated otherwise under sub. (2).

(b) The pharmacy examining board shall create a list of the 100 most commonly prescribed generic drug product equivalents, including the generic and brand names of the drugs, and provide, either directly or on the department's Internet site, the list to each pharmacy on an annual basis. Each pharmacy shall make available to the public information on how to access the list under this paragraph.

(c) Each pharmacy shall have available for the public a listing of the retail price, updated no less frequently than monthly, of the 100 most commonly prescribed prescription drugs, which includes brand name and generic equivalent drugs and biological products and interchangeable biological products, that are available for purchase at the pharmacy.

SECTION 8. 450.135 (8m) of the statutes is created to read:

450.135 (8m) DISCLOSURE TO CONSUMERS. Each pharmacy shall post in a prominent place at or near the place where prescriptions are dispensed a sign that clearly describes a pharmacist's ability under this state's law to substitute a less expensive interchangeable biological product under sub. (2) unless the consumer or the prescribing practitioner has indicated otherwise under sub. (3).

SECTION 9. 450.135 (9) of the statutes is amended to read:

450.135 (9) LINKS TO BE MAINTAINED BY BOARD. The board shall maintain links on the department's Internet site to the federal food and drug administration's lists of all currently approved interchangeable biological prod-

ucts. Each pharmacy shall make available for the public information on how to access the federal food and drug administration's lists of all currently approved interchangeable biological products through the department's Internet site.

SECTION 10. 601.31 (1) (w) of the statutes is amended to read:

601.31 (1) (w) For initial issuance and for each annual renewal of a license as an administrator or pharmacy benefit manager under ch. 633, \$100.

SECTION 11. 601.46 (3) (b) of the statutes is amended to read:

601.46 (3) (b) A general review of the insurance business in this state, including a report on emerging regulatory problems, developments and trends, including trends related to prescription drugs;

SECTION 12. 609.83 of the statutes is amended to read:

609.83 Coverage of drugs and devices. Limited service health organizations, preferred provider plans, and defined network plans are subject to ss. 632.853, 632.861, and 632.895 (16t) and (16v).

SECTION 13. 616.09 (1) (a) 2. of the statutes is amended to read:

616.09 (1) (a) 2. Plans authorized under s. 616.06 are subject to s. 610.21, 1977 stats., s. 610.55, 1977 stats., s. 610.57, 1977 stats., and ss. 628.34 to 628.39, 1977 stats., to chs. 600, 601, 620, 625, 627 and 645, to ss. 632.72, 632.755, ~~632.86~~ 632.861 and 632.87 and to this subchapter except s. 616.08.

SECTION 14. 632.86 of the statutes is repealed.

SECTION 15. 632.861 of the statutes is created to read:

632.861 Prescription drug charges. (1) DEFINITIONS. In this section:

(a) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

(b) "Enrollee" means an individual who is covered under a disability insurance policy or a self-insured health plan.

(c) "Pharmacy benefit manager" has the meaning given in s. 632.865 (1) (c).

(d) "Prescription drug" has the meaning given in s. 450.01 (20).

(e) "Prescription drug benefit" has the meaning given in s. 632.865 (1) (e).

(f) "Self-insured health plan" has the meaning given in s. 632.85 (1) (c).

(2) ALLOWING DISCLOSURES. (a) A disability insurance policy or self-insured health plan that provides a prescription drug benefit may not restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the policy or plan from informing, or penalize such pharmacy for informing, an enrollee of any differential between the out-of-pocket cost to the enrollee under the policy or plan with respect to acquisition of the drug and the amount an individual would pay

for acquisition of the drug without using any health plan or health insurance coverage.

(b) A disability insurance policy or self-insured health plan that provides a prescription drug benefit shall ensure that any pharmacy benefit manager that provides services under a contract with the policy or plan does not, with respect to such policy or plan, restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the policy or plan from informing, or penalize such pharmacy for informing, an enrollee of any differential between the out-of-pocket cost to the enrollee under the policy or plan with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage.

(3) **COST-SHARING LIMITATION.** A disability insurance policy or self-insured health plan that provides a prescription drug benefit or a pharmacy benefit manager that provides services under a contract with a policy or plan may not require an enrollee to pay at the point of sale for a covered prescription drug an amount that is greater than the lowest of all of the following amounts:

(a) The cost-sharing amount for the prescription drug for the enrollee under the policy or plan.

(b) The amount a person would pay for the prescription drug if the enrollee purchased the prescription drug at the dispensing pharmacy without using any health plan or health insurance coverage.

(4) **DRUG SUBSTITUTION.** (a) Except as provided in par. (b), a disability insurance policy that offers a prescription drug benefit, a self-insured health plan that offers a prescription drug benefit, or a pharmacy benefit manager acting on behalf of a disability insurance policy or self-insured health plan shall provide to an enrollee advanced written notice of a formulary change that removes a prescription drug from the formulary of the policy or plan or that reassigns a prescription drug to a benefit tier for the policy or plan that has a higher deductible, copayment, or coinsurance. The advanced written notice of a formulary change under this paragraph shall be provided no fewer than 30 days before the expected date of the removal or reassignment and shall include information on the procedure for the enrollee to request an exception to the formulary change. The policy, plan, or pharmacy benefit manager is required to provide the advanced written notice under this paragraph only to those enrollees in the policy or plan who are using the drug at the time the notification must be sent according to available claims history.

(b) 1. A disability insurance policy, self-insured health plan, or pharmacy benefit manager is not required to provide advanced written notice under par. (a) if the prescription drug that is to be removed or reassigned is any of the following:

a. No longer approved by the federal food and drug administration.

b. The subject of a notice, guidance, warning, announcement, or other statement from the federal food and drug administration relating to concerns about the safety of the prescription drug.

c. Approved by the federal food and drug administration for use without a prescription.

2. A disability insurance policy, self-insured health plan, or pharmacy benefit manager is not required to provide advanced written notice under par. (a) if, for the prescription drug that is being removed from the formulary or reassigned to a benefit tier that has a higher deductible, copayment, or coinsurance, the policy, plan, or pharmacy benefit manager adds to the formulary a generic prescription drug that is approved by the federal food and drug administration for use as an alternative to the prescription drug or a prescription drug in the same pharmacologic class or with the same mechanism of action at any of the following benefit tiers:

a. The same benefit tier from which the prescription drug is being removed or reassigned.

b. A benefit tier that has a lower deductible, copayment, or coinsurance than the benefit tier from which the prescription drug is being removed or reassigned.

(c) A pharmacist or pharmacy shall notify an enrollee in a disability insurance policy or self-insured health plan if a prescription drug for which an enrollee is filling or refilling a prescription is removed from the formulary and the policy or plan or a pharmacy benefit manager acting on behalf of a policy or plan adds to the formulary a generic prescription drug that is approved by the federal food and drug administration for use as an alternative to the prescription drug or a prescription drug in the same pharmacologic class or with the same mechanism of action at any of the following benefit tiers:

1. The same benefit tier from which the prescription drug is being removed or reassigned.

2. A benefit tier that has a lower deductible, copayment, or coinsurance than the benefit tier from which the prescription drug is being removed or reassigned.

(d) If an enrollee has had an adverse reaction to the generic prescription drug or the prescription drug in the same pharmacologic class or with the same mechanism of action that is being substituted for an originally prescribed drug, the pharmacist or pharmacy may extend the prescription order for the originally prescribed drug to fill one 30-day supply of the originally prescribed drug for the cost-sharing amount that applies to the prescription drug at the time of the substitution.

SECTION 16. 632.865 (1) (a) of the statutes is renumbered 632.865 (1) (aw).

SECTION 17. 632.865 (1) (ae) and (ak) of the statutes are created to read:

632.865 (1) (ae) “Health benefit plan” has the meaning given in s. 632.745 (11).

(ak) “Health care provider” has the meaning given in s. 146.81 (1).

SECTION 18. 632.865 (1) (c) of the statutes is renumbered 632.865 (1) (c) (intro.) and amended to read:

632.865 (1) (c) (intro.) “Pharmacy benefit manager” means an entity doing business in this state that contracts to administer or manage prescription drug benefits on behalf of any of the following:

1. An insurer or other,

3. Another entity that provides prescription drug benefits to residents of this state.

SECTION 19. 632.865 (1) (c) 2. of the statutes is created to read:

632.865 (1) (c) 2. A cooperative, as defined in s. 185.01 (2).

SECTION 20. 632.865 (1) (dm) of the statutes is created to read:

632.865 (1) (dm) “Prescription drug” has the meaning given in s. 450.01 (20).

SECTION 21. 632.865 (3) to (7) of the statutes are created to read:

632.865 (3) LICENSE REQUIRED. No person may perform any activities of a pharmacy benefit manager without being licensed by the commissioner as an administrator or pharmacy benefit manager under s. 633.14.

(4) ACCREDITATION FOR NETWORK PARTICIPATION. A pharmacy benefit manager or a representative of a pharmacy benefit manager shall provide to a pharmacy, within 30 days of receipt of a written request from the pharmacy, a written notice of any certification or accreditation requirements used by the pharmacy benefit manager or its representative as a determinant of network participation. A pharmacy benefit manager or a representative of a pharmacy benefit manager may change its accreditation requirements no more frequently than once every 12 months.

(5) RETROACTIVE CLAIM REDUCTION. Unless required otherwise by federal law, a pharmacy benefit manager may not retroactively deny or reduce a pharmacist’s or pharmacy’s claim after adjudication of the claim unless any of the following is true:

(a) The original claim was submitted fraudulently.

(b) The payment for the original claim was incorrect. Recovery for an incorrect payment under this paragraph is limited to the amount that exceeds the allowable claim.

(c) The pharmacy services were not rendered by the pharmacist or pharmacy.

(d) In making the claim or performing the service that is the basis for the claim, the pharmacist or pharmacy violated state or federal law.

(e) The reduction is permitted in a contract between a pharmacy and a pharmacy benefit manager and is related to a quality program.

(6) AUDITS OF PHARMACIES OR PHARMACISTS. (a) *Definitions.* In this subsection:

1. “Audit” means a review of the accounts and records of a pharmacy or pharmacist by or on behalf of

an entity that finances or reimburses the cost of health care services or prescription drugs.

2. “Entity” means a defined network plan, as defined in s. 609.01 (1b), insurer, self-insured health plan, or pharmacy benefit manager or a person acting on behalf of a defined network plan, insurer, self-insured health plan, or pharmacy benefit manager.

3. “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

(b) *Procedures.* An entity conducting an on-site or desk audit of pharmacist or pharmacy records shall do all of the following:

1. If the audit is an audit on the premises of the pharmacist or pharmacy, notify the pharmacist or pharmacy in writing of the audit at least 2 weeks before conducting the audit.

2. Refrain from auditing a pharmacist or pharmacy within the first 5 business days of a month unless the pharmacist or pharmacy consents to an audit during that time.

3. If the audit involves clinical or professional judgment, conduct the audit by or in consultation with a pharmacist licensed in any state.

4. Limit the audit review to no more than 250 separate prescriptions. For purposes of this subdivision, a refill of a prescription is not a separate prescription.

5. Limit the audit review to claims submitted no more than 2 years before the date of the audit, unless required otherwise by state or federal law.

6. Allow the pharmacist or pharmacy to use authentic and verifiable records of a hospital, physician, or other health care provider to validate the pharmacist’s or pharmacy’s records relating to delivery of a prescription drug and use any valid prescription that complies with requirements of the pharmacy examining board to validate claims in connection with a prescription, refill of a prescription, or change in prescription.

7. Allow the pharmacy or pharmacist to document the delivery of a prescription drug or pharmacist services to an enrollee under a health benefit plan using either paper or electronic signature logs.

8. Before leaving the pharmacy after concluding the on-site portion of an audit, provide to the representative of the pharmacy or the pharmacist a complete list of the pharmacy records reviewed.

(c) *Results of audit.* An entity that has conducted an audit of a pharmacist or pharmacy shall do all of the following:

1. Deliver to the pharmacist or pharmacy a preliminary report of the audit within 60 days after the date the auditor departs from an on-site audit or the pharmacy or pharmacist submits paperwork for a desk audit. A preliminary report under this subdivision shall include claim-level information for any discrepancy reported, the estimated total amount of claims subject to recovery,

and contact information for the entity or person that completed the audit so the pharmacist or pharmacy subject to the audit may review audit results, procedures, and discrepancies.

2. Allow a pharmacist or pharmacy that is the subject of an audit to provide documentation to address any discrepancy found in the audit within 30 days after the date the pharmacist or pharmacy receives the preliminary report.

3. Deliver to the pharmacist or pharmacy a final audit report, which may be delivered electronically, within 90 days of the date the pharmacist or pharmacy receives the preliminary report or the date of the final appeal of the audit, whichever is later. The final audit report under this subdivision shall include any response provided to the auditor by the pharmacy or pharmacist and consider and address the pharmacy's or pharmacist's response.

4. Refrain from assessing a recoupment or other penalty on a pharmacist or pharmacy until the appeal process is exhausted and the final report under subd. 3. is delivered to the pharmacist or pharmacy.

5. Refrain from accruing or charging interest between the time the notice of the audit is given under par. (b) 1. and the final report under subd. 3. has been delivered.

6. Exclude dispensing fees from calculations of overpayments.

7. Establish and follow a written appeals process that allows a pharmacy or pharmacist to appeal the final report of an audit and allow the pharmacy or pharmacist as part of the appeal process to arrange for, at the cost of the pharmacy or pharmacist, an independent audit.

8. Refrain from subjecting the pharmacy or pharmacist to a recoupment or recovery for a clerical or record-keeping error in a required document or record, including a typographical or computer error, unless the error resulted in an overpayment to the pharmacy or pharmacist.

(d) *Confidentiality of audit.* Information obtained in an audit under this subsection is confidential and may not be shared unless the information is required to be shared under state or federal law and except that the audit may be shared with the entity on whose behalf the audit is performed. An entity conducting an audit may have access to the previous audit reports on a particular pharmacy only if the audit is conducted by the same entity.

(e) *Cooperation with audit.* If an entity is conducting an audit that is complying with this subsection in auditing a pharmacy or pharmacist, the pharmacy or pharmacist that is the subject of the audit may not interfere with or refuse to participate in the audit.

(f) *Payment of auditors.* A pharmacy benefit manager or entity conducting an audit may not pay an auditor employed by or contracted with the pharmacy benefit manager or entity based on a percentage of the amount recovered in an audit.

(g) *Applicability.* 1. This subsection does not apply to an investigative audit that is initiated as a result of a credible allegation of fraud or willful misrepresentation or criminal wrongdoing.

2. If an entity conducts an audit to which a federal law applies that is in conflict with all or part of this subsection, the entity shall comply with this subsection only to the extent that it does not conflict with federal law.

(7) **TRANSPARENCY REPORTS.** (a) Beginning on June 1, 2021, and annually thereafter, every pharmacy benefit manager shall submit to the commissioner a report that contains, from the previous calendar year, the aggregate rebate amount that the pharmacy benefit manager received from all pharmaceutical manufacturers but retained and did not pass through to health benefit plan sponsors and the percentage of the aggregate rebate amount that is retained rebates. Information required under this paragraph is limited to contracts held with pharmacies located in this state.

(b) Reports under this subsection shall be considered a trade secret under the uniform trade secret act under s. 134.90.

(c) The commissioner may not expand upon the reporting requirement under this subsection, except that the commissioner may effectuate this subsection.

SECTION 22. Chapter 633 (title) of the statutes is amended to read:

CHAPTER 633

EMPLOYEE BENEFIT PLAN

ADMINISTRATORS AND, PRINCIPALS, AND PHARMACY BENEFIT MANAGERS

SECTION 23. 633.01 (1) (intro.) and (c) of the statutes are amended to read:

633.01 (1) (intro.) “Administrator” means a person who directly or indirectly solicits or collects premiums or charges or otherwise effects coverage or adjusts or settles claims for ~~a~~ an employee benefit plan, but does not include the following persons if they perform these acts under the circumstances specified for each:

(c) A creditor on behalf of its debtor, if to obtain payment, reimbursement or other method of satisfaction from ~~a~~ an employee benefit plan for any part of a debt owed to the creditor by the debtor.

SECTION 24. 633.01 (2r) of the statutes is created to read:

633.01 (2r) “Enrollee” has the meaning given in s. 632.861 (1) (b).

SECTION 25. 633.01 (3) of the statutes is amended to read:

633.01 (3) “Insured employee” means an employee who is a resident of this state and who is covered under ~~a~~ an employee benefit plan.

SECTION 26. 633.01 (4) of the statutes is renumbered 633.01 (2g) and amended to read:

633.01 (2g) “Plan Employee benefit plan” means an insured or wholly or partially self-insured employee

benefit plan which by means of direct payment, reimbursement or other arrangement provides to one or more employees who are residents of this state benefits or services that include, but are not limited to, benefits for medical, surgical or hospital care, benefits in the event of sickness, accident, disability or death, or benefits in the event of unemployment or retirement.

SECTION 27. 633.01 (4g) of the statutes is created to read:

633.01 (4g) “Pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

SECTION 28. 633.01 (4r) of the statutes is created to read:

633.01 (4r) “Prescription drug benefit” has the meaning given in s. 632.865 (1) (e).

SECTION 29. 633.01 (5) of the statutes is amended to read:

633.01 (5) “Principal” means a person, including an insurer, that uses the services of an administrator to provide ~~a~~ an employee benefit plan.

SECTION 30. 633.01 (6) of the statutes is created to read:

633.01 (6) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

SECTION 31. 633.04 (intro.) of the statutes is amended to read:

633.04 Written agreement required. (intro.) An administrator may not administer ~~a~~ an employee benefit plan in the absence of a written agreement between the administrator and a principal. The administrator and principal shall each retain a copy of the written agreement for the duration of the agreement and for 5 years thereafter. The written agreement shall contain the following terms:

SECTION 32. 633.05 of the statutes is amended to read:

633.05 Payment to administrator. If a principal is an insurer, payment to the administrator of a premium or charge by or on behalf of an insured employee is payment to the insurer, but payment of a return premium or claim by the insurer to the administrator is not payment to an insured employee until the payment is received by the insured employee. This section does not limit any right of the insurer against the administrator for failure to make payments to the insurer or an insured employee.

SECTION 33. 633.06 of the statutes is amended to read:

633.06 Examination and inspection of books and records. (1) The commissioner may examine, audit or accept an audit of the books and records of an administrator or pharmacy benefit manager as provided for examination of licensees under s. 601.43 (1), (3), (4) and (5), to be conducted as provided in s. 601.44, and with costs to be paid as provided in s. 601.45.

(2) A principal that uses an administrator may inspect the books and records of the administrator, subject to any

restrictions set forth in ss. 146.81 to 146.835 and in the written agreement required under s. 633.04, for the purpose of enabling the principal to fulfill its contractual obligations to ~~insureds~~ insured employees.

SECTION 34. 633.07 of the statutes is amended to read:

633.07 Approval of advertising. An administrator may not use any advertising for ~~a~~ an employee benefit plan underwritten by an insurer unless the insurer approves the advertising in advance.

SECTION 35. 633.09 (4) (b) 2. and 3. of the statutes are amended to read:

633.09 (4) (b) 2. To ~~a~~ an employee benefit plan policyholder for payment to a principal, the funds belonging to the principal.

3. To an insured employee, the funds belonging to the insured employee.

SECTION 36. 633.11 of the statutes is amended to read:

633.11 Claim adjustment compensation. If an administrator adjusts or settles claims under ~~a~~ an employee benefit plan, the commission, fees or charges that the principal pays the administrator may not be based on the employee benefit plan’s loss experience. This section does not prohibit compensation based on the number or amount of premiums or charges collected, or the number or amount of claims paid or processed by the administrator.

SECTION 37. 633.12 (1) (intro.), (b) and (c) of the statutes are amended to read:

633.12 (1) (intro.) An administrator shall prepare sufficient copies of a written notice approved in advance by the principal for distribution to all ~~insureds~~ insured employees of the principal and either shall distribute the copies to the ~~insureds~~ insured employees or shall provide the copies to the principal for distribution to the ~~insureds~~ insured employees. The written notice shall contain all of the following:

(b) An explanation of the respective rights and responsibilities of the administrator, the principal and the ~~insureds~~ insured employees.

(c) A statement of the extent to which the employee benefit plan is insured or self-insured, and an explanation of the terms “insured” and “self-insured”.

SECTION 38. 633.13 (1) and (3) of the statutes are amended to read:

633.13 (1) GENERAL. Except as provided in sub. (2), a person may not perform, offer to perform or advertise any service as an administrator or a pharmacy benefit manager unless the person has obtained a license under s. 633.14. A pharmacy benefit manager that also performs services as an administrator need only obtain an administrator license under s. 633.14.

(3) RESPONSIBILITIES OF PRINCIPAL. A principal may not use the services of an administrator unless the administrator furnishes proof of licensure under s. 633.14 or

exemption under sub. (2). An insurer or a self-insured health plan may not use the services of a pharmacy benefit manager unless the pharmacy benefit manager furnishes proof of licensure under s. 633.14.

SECTION 39. 633.14 (2) (intro.) and (c) 1. and 3. and (3) of the statutes are amended to read:

633.14 (2) (intro.) The commissioner shall issue a license to act as an administrator or pharmacy benefit manager to a corporation, limited liability company or partnership that does all of the following:

(c) 1. That the corporation, limited liability company or partnership intends in good faith to act as an administrator or pharmacy benefit manager through individuals designated under subd. 3. in compliance with applicable laws of this state and rules and orders of the commissioner.

3. That for each employee benefit plan or prescription drug benefit to be administered, the corporation, limited liability company or partnership has designated or will designate an individual in the corporation, limited liability company or partnership to directly administer the employee benefit plan or prescription drug benefit.

(3) The commissioner shall promulgate rules establishing the specifications that a bond supplied by an administrator or pharmacy benefit manager under sub. (1) (b) or (2) (b) must satisfy to guarantee faithful performance of the administrator or pharmacy benefit manager.

SECTION 40. 633.15 (1) (a), (1m) and (2) (a) 1., 2. and 3. and (b) 1. of the statutes are amended to read:

633.15 (1) (a) *Payment.* An administrator or pharmacy benefit manager shall pay the annual renewal fee under s. 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule established under par. (b).

(1m) SOCIAL SECURITY NUMBER, FEDERAL EMPLOYER IDENTIFICATION NUMBER OR STATEMENT. At an annual renewal, an administrator or pharmacy benefit manager shall provide his or her social security number, if the administrator is an individual unless he or she does not have a social security number, or its federal employer identification number, if the administrator or pharmacy benefit manager is a corporation, limited liability company or partnership, if the social security number or federal employer identification number was not previously provided on the application for the license or at a previous renewal of the license. If an administrator who is an individual does not have a social security number, the individual shall provide to the commissioner, at each annual renewal and on a form prescribed by the department of children and families, a statement made or subscribed under oath or affirmation that the administrator does not have a social security number.

(2) (a) 1. If an administrator or pharmacy benefit manager fails to pay the annual renewal fee as provided under sub. (1) or fails to provide a social security number, federal employer identification number or statement

made or subscribed under oath or affirmation as required under sub. (1m), the commissioner shall suspend the administrator's or pharmacy benefit manager's license effective the day following the last day when the annual renewal fee may be paid, if the commissioner has given the administrator or pharmacy benefit manager reasonable notice of when the fee must be paid to avoid suspension.

2. If, within 60 days from the effective date of suspension under subd. 1., an administrator or pharmacy benefit manager pays the annual renewal fee or provides the social security number, federal employer identification number or statement made or subscribed under oath or affirmation, or both if the suspension was based upon a failure to do both, the commissioner shall reinstate the administrator's or pharmacy benefit manager's license effective as of the date of suspension.

3. If payment is not made or the social security number, federal employer identification number or statement made or subscribed under oath or affirmation is not provided within 60 days from the effective date of suspension under subd. 1., the commissioner shall revoke the administrator's or pharmacy benefit manager's license.

(b) 1. Except as provided in pars. (c) to (e), the commissioner may revoke, suspend or limit the license of an administrator or pharmacy benefit manager after a hearing if the commissioner makes any of the following findings:

a. That the administrator or pharmacy benefit manager is unqualified to perform the responsibilities of an administrator or pharmacy benefit manager.

b. That the administrator or pharmacy benefit manager has repeatedly or knowingly violated an applicable law, rule or order of the commissioner.

c. ~~That~~ If the licensee is an administrator, that the administrator's methods or practices in administering a an employee benefit plan endanger the interests of insureds insured employees or the public, or that the financial resources of the administrator are inadequate to safeguard the interests of insureds insured employees or the public.

SECTION 41. 633.15 (2) (b) 1. d. of the statutes is created to read:

633.15 (2) (b) 1. d. If the licensee is a pharmacy benefit manager, that the pharmacy benefit manager's methods or practices in administering a prescription drug benefit endanger the interests of enrollees or the public, or that the financial resources of the pharmacy benefit manager are inadequate to safeguard the interests of enrollees or the public.

SECTION 42. 633.15 (2) (b) 2. of the statutes is amended to read:

633.15 (2) (b) 2. A person whose license has been revoked under subd. 1. may apply for a new license under s. 633.14 only after the expiration of 5 years from the date of the order revoking the administrator's or pharmacy

benefit manager's license, unless the order specifies a lesser period.

SECTION 43. 633.15 (2) (f) of the statutes is created to read:

633.15 (2) (f) The commissioner, after ordering a suspension or revocation under this subsection, may allow a pharmacy benefit manager to continue to provide services for the purpose of providing continuity of care in prescription drug benefits to existing enrollees.

SECTION 44. 633.16 of the statutes is amended to read:

633.16 Regulation. Nothing in this chapter gives the commissioner the authority to impose requirements on a- an employee benefit plan that is exempt from state law under 29 USC 1144 (b).

SECTION 45. Nonstatutory provisions.

(1) PHARMACY BENEFIT MANAGER; COMPLIANCE DATE. A pharmacy benefit manager that is not required to be licensed as an administrator is not required to be licensed

under s. 633.14 and a pharmacy benefit manager is not required to comply with s. 632.865 (3) to (7) until the effective date of this subsection, unless the commissioner of insurance specifies a later date on which registration or compliance is required.

SECTION 46. Initial applicability.

(1) For policies and plans containing provisions inconsistent with this act, this act first applies to policy or plan years beginning on the effective date of this subsection.

SECTION 46m. Effective dates. This act takes effect on January 1, 2022, except as follows:

(1) ALLOWING DISCLOSURES. The treatment of s. 632.861 (2) takes effect on the day after publication.

(2) COST-SHARING LIMITATION. The treatment of s. 632.861 (3) takes effect on June 30, 2021.

(3) AUDITS. The treatment of s. 632.865 (6) takes effect on June 30, 2021.



2021 SENATE BILL 308

April 21, 2021 - Introduced by Senators FEYEN, BALLWEG, CARPENTER and FELZKOWSKI, cosponsored by Representatives MURPHY, BRANDTJEN, GUNDRUM, HORLACHER, MILROY, MURSAU, NOVAK, TITTL, SKOWRONSKI and THIESFELDT. Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 450.062 (intro.); *to renumber* 450.062 (1) to (4); *to renumber*
2 *and amend* 450.09 (2); *to amend* 450.06 (1), 450.06 (2) (b), 450.06 (2m), 450.09
3 (1) (a) and 450.09 (2) (title); and *to create* 450.01 (11o), 450.01 (21c), 450.02 (5),
4 450.03 (1) (L) and 450.09 (2) (b) of the statutes; **relating to:** licensing and
5 regulation of pharmacies and remote dispensing sites under the pharmacy
6 practice law, the practice of pharmacy, extending the time limit for emergency
7 rule procedures, providing an exemption from rule-making procedures, and
8 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Generally, under current law, no pharmacist may dispense at any location in this state that is not licensed as a pharmacy by the Pharmacy Examining Board, except that a pharmacist may, pursuant to rules promulgated by the board, dispense at certain specifically identified types of locations that are not licensed as pharmacies, which include health care facilities, health care provider offices or clinics, and jails and other adult and juvenile correctional or residential facilities.

This bill provides instead that a pharmacist may dispense at one of those locations only if the location is licensed by the board as a pharmacy. The bill requires this kind of pharmacy to adhere to a number of requirements that apply to other

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pharmacies, including the requirement for a managing pharmacist to be designated for the pharmacy. However, the bill allows this kind of pharmacy to be operated as a remote dispensing site, in which case a pharmacist is not required to be present at the pharmacy but must supervise it remotely. The bill also allows the board to promulgate rules governing pharmacies operated as remote dispensing sites, which may exempt pharmacies operated as remote dispensing sites from rules that apply to other pharmacies.

This bill exempts a person who is providing services as directed, supervised, and inspected by certain medical professionals from the requirement to be licensed as a pharmacist by the board while the person is providing the services at a narcotic treatment service for opiate addiction or a free and charitable clinic, as defined in the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 450.01 (11o) of the statutes is created to read:

2 450.01 **(11o)** “Free and charitable clinics” means health care organizations
3 that use a volunteer and staff model to provide health services to uninsured,
4 underinsured, underserved, economically and socially disadvantaged, and
5 vulnerable populations and that meet all of the following criteria:

6 (a) The organizations are nonprofit and tax exempt or are a part of a larger
7 nonprofit, tax-exempt organization.

8 (b) The organizations are located in this state or serve residents in this state.

9 (c) The organizations restrict eligibility to receive services to individuals who
10 are uninsured, underinsured, or have limited or no access to primary, specialty, or
11 prescription care.

12 (d) The organizations provide one or more of the following services:

13 1. Medical care.

14 2. Mental health care.

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1 3. Dental care.

2 4. Prescription medications.

3 (e) The organizations use volunteer health care professionals, nonclinical
4 volunteers, and partnerships with other health care providers to provide the services
5 under par. (d).

6 (f) The organizations are not federally qualified health centers as defined in 42
7 USC 1396d (1) (2) and do not receive reimbursement from the federal centers for
8 medicare and medicaid services under a federally qualified health center payment
9 methodology.

10 **SECTION 2.** 450.01 (21c) of the statutes is created to read:

11 450.01 **(21c)** “Remote dispensing site” means a pharmacy governed by s. 450.09
12 (2) (b) 2.

13 **SECTION 3.** 450.02 (5) of the statutes is created to read:

14 450.02 **(5)** The board may promulgate rules governing pharmacies that are
15 operated as remote dispensing sites. Rules promulgated under this subsection may
16 exempt pharmacies operated as remote dispensing sites from requirements
17 governing pharmacies that are not operated as remote dispensing sites.

18 **SECTION 4.** 450.03 (1) (L) of the statutes is created to read:

19 450.03 **(1) (L)** A person who is providing services as directed, supervised, and
20 inspected by a person described in par. (e) in any of the following settings:

21 1. A narcotic treatment service for opiate addiction, as defined in s. 51.4224 (1)
22 (a).

23 2. A free and charitable clinic.

24 **SECTION 5.** 450.06 (1) of the statutes is amended to read:

SENATE BILL 308**SECTION 5**

1 450.06 (1) ~~Except as provided in s. 450.062, no~~ No pharmacist or person
2 engaged in the practice of pharmacy under s. 450.03 (1) (f), (g), or (i) may dispense
3 at any location in this state that is not licensed as a pharmacy by the board. No
4 person in this state may use or display the title “pharmacy,” “drugstore,”
5 “apothecary,” or any other title, symbol, or insignia having the same or similar
6 meanings, except for a place of practice which is licensed under this section as a
7 pharmacy by the board.

8 **SECTION 6.** 450.06 (2) (b) of the statutes is amended to read:

9 450.06 (2) (b) The location of the pharmacy is inspected in a manner approved
10 by the board and found to meet all the requirements of this chapter.

11 **SECTION 7.** 450.06 (2m) of the statutes is amended to read:

12 450.06 (2m) The board may request, ~~but may not require,~~ that practice-related
13 information be submitted on the application under sub. (2) (a).

14 **SECTION 8.** 450.062 (intro.) of the statutes is repealed.

15 **SECTION 9.** 450.062 (1) to (4) of the statutes are renumbered 450.09 (2) (b) 1.

16 a. to d.

17 **SECTION 10.** 450.09 (1) (a) of the statutes is amended to read:

18 450.09 (1) (a) Every pharmacy shall be under the control of the managing
19 pharmacist who signed the pharmacy license application, the most recent license
20 renewal application or the most recent amended schedule of operations. The
21 managing pharmacist shall be responsible for the professional operations of the
22 pharmacy. A pharmacist may be the managing pharmacist of not more than one
23 community and one institutional pharmacy at any time and shall be engaged in the
24 practice of pharmacy at each location he or she supervises. The board shall by rule
25 define community pharmacy and institutional pharmacy for the purposes of this

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1 section, but a pharmacy that is operated exclusively as a remote dispensing site shall
2 not be considered a community pharmacy or institutional pharmacy for the purposes
3 of this paragraph.

4 **SECTION 11.** 450.09 (2) (title) of the statutes is amended to read:

5 450.09 (2) (title) ~~PRESENCE OF~~ SUPERVISION BY PHARMACIST.

6 **SECTION 12.** 450.09 (2) of the statutes is renumbered 450.09 (2) (a) and
7 amended to read:

8 450.09 (2) (a) No pharmaceutical service may be provided to any person unless
9 a pharmacist is present in the pharmacy to provide or supervise the service, except
10 as provided in par. (b).

11 **SECTION 13.** 450.09 (2) (b) of the statutes is created to read:

12 450.09 (2) (b) 1. A pharmacist is not required to be present in a pharmacy if the
13 pharmacy is any of the following locations:

14 2. Whenever a pharmacist is not present at the pharmacy when allowed under
15 subd. 1., all of the following shall apply:

16 a. The pharmacy shall be considered a remote dispensing site and shall be
17 subject to and governed by any rules promulgated under s. 450.02 (5).

18 b. A pharmacist shall remotely supervise the pharmaceutical services
19 provided, consistent with any rules promulgated under s. 450.02 (5).

20 **SECTION 14. Nonstatutory provisions.**

21 (1) The pharmacy examining board may promulgate emergency rules under s.
22 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2),
23 emergency rules promulgated under this subsection remain in effect until May 1,
24 2024, or the date on which permanent rules take effect, whichever is sooner.
25 Notwithstanding s. 227.24 (1) (a) and (3), the examining board is not required to

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SECTION 14

1 provide evidence that promulgating a rule under this subsection as an emergency
2 rule is necessary for the preservation of the public peace, health, safety, or welfare
3 and is not required to provide a finding of emergency for a rule promulgated under
4 this subsection.

5 **SECTION 15. Effective dates.** This act takes effect on the first day of the 7th
6 month beginning after publication, except as follows:

7 (1) SECTION 14 (1) of this act takes effect on the day after publication.

8 (END)

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Cassandra Walbrun Administrative Rules Coordinator		2) Date when request submitted: 4/20/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting																
3) Name of Board, Committee, Council, Sections: Pharmacy Examining Board																		
4) Meeting Date: 4/29/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. EmR 2102 Reuse of PPE – Consideration of Extension Request 2. EmR 2105 Endorsement Licensure – Consideration of Extension Request 3. Pending and Possible Rules a. Phar 8 Controlled Substances b. Update on Current Rule Projects																
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:																
10) Describe the issue and action that should be addressed: 1. Emergency Rule expires on 6/16/21. Extension request is due to JCRAR by 5/14/21 (pdf of rule) 2. Emergency Rule expires on 6/23/21. Extension request is due to JCRAR by 5/21/21 (pdf of rule) 3. a. Update on Phar 8 Controlled Substances Draft b. Status of all pending rules. (table, pdf)																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">11)</td> <td style="width: 60%; text-align: center;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td><i>Kassandra Walbrun</i></td> <td style="text-align: right;">4/20/21</td> </tr> <tr> <td></td> <td>Signature of person making this request</td> <td style="text-align: right;">Date</td> </tr> <tr> <td></td> <td>Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td></td> <td>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right;">Date</td> </tr> </table>				11)	Authorization			<i>Kassandra Walbrun</i>	4/20/21		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
11)	Authorization																	
	<i>Kassandra Walbrun</i>	4/20/21																
	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
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 136-20, was approved by the Governor on October 16, 2020, published in Register 778A3 on October 19, 2020, and approved by the Pharmacy Examining Board on December 3, 2020.

This emergency rule was approved by the Governor on December 23, 2020.

ORDER

An order of the Pharmacy Examining Board to amend Phar 15.32 (5), relating to re-use of personal protective equipment.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Pharmacy Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

On March 17, 2020, the Pharmacy Examining Board granted a variance of s. Phar 15.32 (5), pursuant to s. 450.02 (3m) (b), Stats., to allow pharmacists and compounding personnel to re-use personal protective equipment subject to the pharmacist's professional judgment regarding the condition of the equipment and suitability for re-use. The purpose of the request was to compensate for a shortage of PPE during the COVID-19 emergency. The variance was in effect for 90 days. On July 23, 2020 the Board determined that the requirements of s. 450.02 (3m) (b), Stats. have been met and extended the variance for another 90 days.

The Pharmacy Examining Board recognizes that there remains a shortage of professional personal protective equipment. The Board determines that the preservation of the public health and safety necessitates an emergency rule to allow for compounding personnel to be able to use the pharmacist's professional judgment regarding the condition of the equipment and its suitability for re-use. Without an emergency rule, the ability to compound pharmaceuticals will be impacted resulting in patients not receiving their medications.

ANALYSIS

Statutes interpreted: None.

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that 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.

Section 450.02 (3) (e), Stats., provides the Board may promulgate rules establishing minimum standards for the practice of pharmacy.

Related statutes or rules:

Chapter Phar 7 provides standards for the practice of pharmacy.

Plain language analysis:

The emergency rule allows compounding personnel to use the pharmacist's professional judgment regarding the condition of personal protective equipment and its suitability for re-use.

Summary of, and comparison with, existing or proposed federal statutes and regulations:

None.

Comparison with rules in adjacent states:**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation specify the standards for pharmaceutical compounding (68 Ill. Adm. Code 1330.640). The standards, including standards for the re-use of personal protective equipment, are as set forth in the 2019 edition of the U.S. Pharmacopeia (USP) Compounding Compendium. On May 6, 2020, the USP added recommendations to its standards to, in response to stakeholder input, allow reuse of certain garb or personal protective equipment (*USP Response to Shortages of Garb and Personal Protective Equipment (PPE) for Low- and Medium-Risk Sterile Compounding During COVID-19 Pandemic*).

Iowa:

Rules of the Iowa Board of Pharmacy specify the standards for sterile pharmaceutical compounding (657 IAC 20.4). The standards, including standards for the re-use of personal protective equipment, are as set forth in the current revision of the U.S. Pharmacopeia (USP) Chapter 797 standards. On May 6, 2020, the USP added recommendations to its standards to, in response to stakeholder input, allow reuse of certain garb or personal protective equipment (*USP Response to Shortages of Garb and Personal Protective Equipment (PPE) for Low- and Medium-Risk Sterile Compounding During COVID-19 Pandemic*).

Michigan:

Michigan law requires a pharmacy that provides compounding services to be licensed as a pharmacy and authorized to provide compounding services (MCL 333.17748a). The pharmacy must be accredited by the Pharmacy Compounding Accreditation Board and be in compliance with U.S. Pharmacopeia standards. On May 6, 2020, the USP added recommendations to its standards to, in response to stakeholder input, allow reuse of certain garb or personal protective equipment (*USP Response to Shortages of Garb and Personal Protective Equipment (PPE) for Low- and Medium-Risk Sterile Compounding During COVID-19 Pandemic*).

Minnesota:

Rules of the Minnesota Board of Pharmacy require pharmacies compounding sterile drug preparations to follow United States Pharmacopeia, chapter 797 standards, including standards for the re-use of personal protective equipment (Minnesota Rules, part 6800.3300). On May 6, 2020, the USP added recommendations to its standards to, in response to stakeholder input, allow reuse of certain garb or personal protective equipment (*USP Response to Shortages of Garb and Personal Protective Equipment (PPE) for Low- and Medium-Risk Sterile Compounding During COVID-19 Pandemic*).

Summary of factual data and analytical methodologies:

The Pharmacy Examining Board recognizes that, due to the COVID-19 public health emergency, there remains a shortage of personal protective equipment. As a result, the Board has determined that preservation of public health and safety necessitates an emergency rule that allows compounding personnel to use the pharmacist's professional judgment regarding the condition of personal protective equipment and its suitability for re-use.

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

As the emergency rule would allow compounding personnel to use the pharmacist's professional judgment regarding the condition of personal protective equipment and its suitability for re-use, there is no anticipated effect on small business.

Fiscal estimate:

This emergency rule will not have a fiscal impact.

Effect on small business:

The emergency rule does 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone (608) 261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on this emergency rule is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature's website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Phar 15.32 (5) is amended to read:

Phar 15.32 (5) When compounding personnel exit the buffer or segregated compounding area, a gown may be removed and retained in the ante area or segregated compounding area if not visibly soiled, to be worn again during the same work shift. Coveralls, shoe covers, hair and facial hair covers, face masks, eye shields, and gloves shall be replaced with new ones before re-entering the compounding area unless, in the professional judgement of the pharmacist, the items are suitable for re-use.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect upon publication in the official state newspaper, pursuant to s. 227.22 (2) (c), Stats.

(END OF TEXT OF RULE)

Dated January 12, 2021

Agency 

Chairperson
Pharmacy Examining Board

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 135-20, was approved by the Governor on October 16, 2020, published in Register 778A3 on October 19, 2020, and approved by the Pharmacy Examining Board on December 3, 2020.

This emergency rule was approved by the Governor on January 14, 2021.

ORDER

An order of the Pharmacy Examining Board to repeal Phar 2.05 (3), relating to endorsement requirements for pharmacists.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Pharmacy Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

On March 25, 2020, the Pharmacy Examining Board granted a variance of s. 450.03 (1), Stats., pursuant to s. 450.02 (3m) (b), Stats., to allow pharmacists who are licensed in good standing in other states, United States territories and the District of Columbia to practice pharmacy in the state of Wisconsin without a Wisconsin license. The purpose of the variance was to compensate for a shortage of pharmacy staff during the pandemic. The variance was in effect for 90 days. Subsequently, the provisions of the variance were superseded by Emergency Order #16 and it was rescinded on April 3, 2020. Then 2019 Act 185 was signed into law which expired on June 10, 2020. On June 4, 2020, the Board reviewed and reissued the variance until August 1, 2020. On July 23, 2020, the Pharmacy Board determined that the requirements of s. 450.02 (3m) (b), Stats., were met and extended the variance for another 90 days.

The Pharmacy Examining Board has received information from stakeholders that there remains a shortage of pharmacy staff and an inability to receive a license due to the impact the pandemic has had on the availability of the multi-state pharmacy jurisprudence examination. The Board determines that the preservation of the public health and safety necessitates an emergency rule to temporarily suspend the requirement that applicants who hold a license in another state take the multi-state pharmacy jurisprudence examination with Wisconsin as primary state.

ANALYSIS

Statutes interpreted: Section 450.05, Stats.

Statutory authority: Sections 15.08 (5) (b) and 450.02 (2) and (3) (d) and (e), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that 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.

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

Section 450.02 (3) (d) and (e), Stats., provide the Board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961 and establishing minimum standards for the practice of pharmacy.

Related statutes or rules:

Section 450.05, Stats., specifies the requirements for licensure as a pharmacist on the basis of licensure as a pharmacist in another state.

Plain language analysis:

The emergency rule temporarily suspends the requirement that applicants for a pharmacist license who hold a license in another state take the multi-state pharmacy jurisprudence examination.

Summary of, and comparison with, existing or proposed federal statutes and regulations:

None.

Comparison with rules in adjacent states:**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation specify the licensure requirements for an applicant who is currently licensed as a pharmacist under the laws of another U.S. jurisdiction or another country (68 Ill. Adm. Code 1330.350). The requirements include successful passage of the Illinois multi-state pharmacy jurisprudence examination.

Iowa:

Rules of the Iowa Board of Pharmacy specify the requirements for an applicant for license transfer who is currently licensed as a pharmacist in another state or territory of the United States (657 IAC 2.9). The requirements include successful completion of the multi-state pharmacy jurisprudence examination, Iowa edition.

Michigan:

Rules of the Michigan Board of Pharmacy specify the requirements for an applicant for licensure by endorsement (Mich Admin Code, R 338.475). The requirements include successful completion of the Michigan multi-state pharmacy jurisprudence examination.

Minnesota:

Rules of the Minnesota Board of Pharmacy specify the requirements for an applicant for licensure as a pharmacist on the basis of licensure as a pharmacist in another state (Minnesota Rules, part 6800.1300). The requirements include successful completion of the Minnesota version of the multi-state pharmacy jurisprudence examination.

Summary of factual data and analytical methodologies:

The Pharmacy Examining Board has received information from stakeholders that there remains a shortage of pharmacy staff and an inability to receive a license due to the impact the pandemic has had on the availability of the multi-state pharmacy jurisprudence examination. The Board determined that the preservation of public health and safety necessitates an emergency rule to temporarily suspend the requirement that applicants for a pharmacist license who hold a license in another state take the multi-state pharmacy jurisprudence examination.

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

As the emergency rule temporarily suspends the requirement that applicants for a pharmacist license who hold a license in another state take the multi-state pharmacy jurisprudence examination, there is no anticipated effect on small business.

Fiscal estimate:

The emergency rule will not have a fiscal impact.

Effect on small business:

The emergency rule does 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone (608) 261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on this emergency rule is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature’s website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Phar 2.05 (3) is repealed.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect upon publication in the official state newspaper, pursuant to s. 227.22 (2) (c), Stats.

(END OF TEXT OF RULE)

Dated January 21, 2021

Agency 

Chairperson
Pharmacy Examining Board

**Pharmacy Examining Board
Status Update on Rule Projects, 4/20/2022**

CH Rule Number	Scope Number	Scope Expiration Date	Rules Affected	Relating Clause	Synopsis of Rule	Stage of Rule Process	Date Scope Implemented
	137-20	4/19/2023	Phar 1, 6, 7, 8, 12, 13	DSCSA implementation	This rule implements 2007 Act 20 as it relates to electronic track and trace, the federal Drug Supply Chain Security Act, and comprehensive update of manufacturers and distributor requirements.	07. Scope approved by rule-making authority to implement.	12/3/2020
	096-19	3/9/2022	Phar 15	Compounding	<i>NOTE: Rule process postponed until USP 797 is finalized.</i>	08. Drafting rule.	9/19/2019
21-028	080-20	12/22/2022	Phar 2	Act 143	Implements Act 143 to provide for reciprocity for service members, former service members and their spouses.	11. Public Hearing Scheduled (4/29/2021).	7/14/2020
	079-20	12/22/2022	Phar 5, 6, 7, 11, 12	Identified changes in 2019 biennial report and technical change	Address identified provisions in the 2019 s.227.29 report including name and address changes, floor design, procedures for disciplinary proceedings, superseded references, and a technical correction.	08. Drafting rule.	7/14/2020
	074-19	2/12/2022	Phar 8	Controlled Substances	Updates the requirements for controlled substances.	08. Drafting rule.	9/19/2019

Emergency Rules

EMR Number	Rules Affected	Rule	Brief Synopsis of Rule	Stage Details	Scope Implemented	Rule Effective	First Extension Request Due to JCRAR	Second Extension Request Due to JCRAR
EmR2102	Phar 15	Re-use of personal protective equipment (PPE)	The emergency rule temporarily allows compounding personnel to re-use personal protective equipment based upon a pharmacist's judgment.	Emergency rule effective until 6/16/2021	12/3/2020	1/19/2021	5/14/2021	
EmR2105	Phar 2	Endorsement Licensure	The emergency rule temporarily removes the multi-state pharmacy jurisdiction examination requirement for applicants who hold a license in another state	Emergency rule effective until 6/23/2021	12/3/2020	1/25/2021	5/21/2021	

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Christine Poleski, Executive Director		2) Date When Request Submitted: 3/30/2021 <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: All Boards, Sections and Councils			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2021-2023 Licensure Fee and Credential Schedule	
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 <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please review the attached occupational licensure fee report which outlines new licensure and renewal fees effective as of 7/1/2021.			
11) Authorization			
<i>Kimberly Wood</i>		3/30/2021	
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.			

Board Project Code	Project	Project Name	Current		21-23		Initial		Renewal		Fee Set/Limited by Statute or Rule
			Initial_Fee	Renewal_Fee	Initial Fee	Renewal Fee	Fee_Change	Fee_Change			
16500P1ACBD000	16500P1ACBD001	Accountant CPA	\$ 43.00	\$ 43.00	\$ 43.00	\$ 43.00	\$ -	\$ -			
16500P1ACBD000	16500P1ACBD003	Accounting Firm	\$ 43.00	\$ 43.00	\$ 43.00	\$ 43.00	\$ -	\$ -			
16500P1ADLD000	16500P1ADLD055	Acupuncturist	\$ 75.00	\$ 75.00	\$ 55.00	\$ 55.00	\$ (20.00)	\$ (20.00)			
16500P1AESD000	16500P1ARCD005	Architect	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)			
16500P1AESD000	16500P1ARCD011	Architectural or Engineer Corp	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)			
16500P1AESD000	16500P1DSND007	Designer Engineering Systems	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)			
16500P1AESD000	16500P1ENGD006	Engineer Professional	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)			
16500P1AESD000	16500P1ENGD500	Engineer Training	\$ 68.00	\$ -	\$ 55.00	\$ -	\$ (13.00)	\$ -			
16500P1AESD000	16500P1LSAD014	Landscape Architect	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)			
16500P1AESD000	16500P1LSRD008	Land Surveyor Professional	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)			
16500P1APPD000	16500P1APPD004	Appraiser Licensed	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ -	\$ -			
16500P1APPD000	16500P1APPD009	Appraiser Residential Cert	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ -	\$ -			
16500P1APPD000	16500P1APPD010	Appraiser General Cert	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ -	\$ -			
16500P1APPD000	16500P1APPD900	Appraisal Management Company	\$ 4,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ -	\$ -			Maximum fee Set by Wis. Stat. 458.33 (2) (b) - currently at the maximum
16500P1ATHD000	16500P1ATHD097	Athletic Agent	\$ 38.00	\$ 38.00	\$ 38.00	\$ 38.00	\$ -	\$ -			
16500P1AUBD000	16500P1AUBD052	Auctioneer	\$ 47.00	\$ 47.00	\$ 47.00	\$ 47.00	\$ -	\$ -			
16500P1AUBD000	16500P1AUBD053	Auction Company	\$ 47.00	\$ 47.00	\$ 47.00	\$ 47.00	\$ -	\$ -			
16500P1BRBD000	16500P1BRBD180	Barber Establishment	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)			
16500P1BRBD000	16500P1BRBD182	Barber	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)			
16500P1BRBD000	16500P1BRBD183	Barber Instructor	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)			
16500P1BRBD000	16500P1BRBD187	Barber School	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)			
16500P1BRBD000	16500P1BRBD601	Barber Apprentice	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -			
16500P1BXMA000	16500P1BXMA263	Boxing Contestant	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA264	Boxing Contest Professional	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA265	Second	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA266	Boxing Promoter Professional	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA267	Mix Martial Arts Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA268	Mix Martial Arts Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA270	Matchmaker	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA271	Physician Ringside	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA272	Timekeeper	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA274	Boxing Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA275	Boxing Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA276	Mix Martial Arts Amateur Conte	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA277	Mix Martial Arts Contestant Pr	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA278	Mix Martial Arts Prof Club	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -			Fee set by Wis. Stat. Ch. 444

Board Project Code	Project	Project Name	21-23						Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1BXMA000	16500P1BXMA279	Mix Martial Arts Contest Prof	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA280	Mix Martial Arts Promoter Prof	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA281	Unarmed Combat Promoter	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA282	Unarmed Combat Contest	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA283	Kickboxing Contestant Amateur	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA284	Kickboxing Contestant Prof	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA285	Muay Thai Contestant Amateur	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA287	Kickboxing Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA288	Muay Thai Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA289	Kickboxing Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA290	Muay Thai Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1CACD000	16500P1CACD098	Crematory Authority	\$ 75.00	\$ 75.00	\$ 53.00	\$ 53.00	\$ (22.00)	\$ (22.00)	
16500P1CEMD000	16500P1CEMD095	Cemetery Authority Licensed	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CEMD000	16500P1CEMD096	Cemetery Salesperson	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CEMD000	16500P1CEMD101	Cemetery Preneed Seller	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CEMD000	16500P1CEMD102	Cemetery Authority Religious	\$ 75.00	\$ -	\$ 60.00	\$ -	\$ (15.00)	\$ -	
16500P1CEMD000	16500P1CEMD195	Cemetery Authority Registered	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	
16500P1CHID000	16500P1CHID012	Chiropractor	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CHID000	16500P1CHID113	Chiropractic Radiological Tech	\$ 53.00	\$ 53.00	\$ 53.00	\$ 53.00	\$ -	\$ -	
16500P1CHID000	16500P1CHID114	Chiropractic Tech	\$ 53.00	\$ 53.00	\$ 53.00	\$ 53.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD069	Aesthetics Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD070	Electrology Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD071	Manicuring Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD072	Aesthetics Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD073	Electrology Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD074	Manicuring Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD080	Cosmetology Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD082	Cosmetologist	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD083	Cosmetology Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD084	Electrologist	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD085	Manicurist	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD086	Aesthetician	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD087	Cosmetology School	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD088	Electrology School	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD089	Manicuring School	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD600	Cosmetology Apprentice	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	
16500P1DEND000	16500P1DEND015	Dentist	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	

Board Project Code	Project	Project Name	Current		21-23		21-23		Fee Set/Limited by Statute or Rule
			Initial_Fee	Renewal_Fee	Initial Fee	Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1DEND000	16500P1DEND016	Dental Hygienist	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1DEND000	16500P1DEND115	Dentistry Mobile Progr Registr	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1DSPS000	16500P1DSPS049	DSPS Licensed Midwife	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS064	DSPS Firearms Certifier	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS109	DSPS WI Regis Interior Design	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS118	Juvenile Martial Arts Instruct	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS140	DSPS Behavior Analyst	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS184	DSPS Transportation Network Co	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	Maximum fee Set by Wis. Stat. 440.415 - currently at the maximum
16500P1DSPS000	16500P1DSPS850	DSPS Temp Educ Training Permit	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS876	DSPS Special License	\$ 59.00	\$ -	\$ 59.00	\$ -	\$ -	\$ -	
16500P1FDRD000	16500P1FDRD075	Funeral Dir Excl Embalm	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD076	Funeral Dir Good Standing	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD077	Funeral Director	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD078	Funeral Establishment	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD107	Agent Burial Agreements	\$ 75.00	\$ -	\$ 60.00	\$ -	\$ (15.00)	\$ -	
16500P1FDRD000	16500P1FDRD700	Funeral Dir Apprentice	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	
16500P1GHSD000	16500P1GEOD013	Geologist Professional	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1GEOD201	Geology Firm	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1HYDD111	Hydrologist Professional	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1HYDD202	Hydrology Firm	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1SSCD112	Soil Scientist Professional	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1SSCD203	Soil Scientist Firm	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1HADD000	16500P1HADD060	Hearing Instrument Spec	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1HADD000	16500P1HADD154	Speech Language Pathologist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1HADD000	16500P1HADD156	Audiologist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MADD000	16500P1MADD036	Art Therapist	\$ 68.00	\$ 68.00	\$ 51.00	\$ 51.00	\$ (17.00)	\$ (17.00)	
16500P1MADD000	16500P1MADD037	Dance Therapist	\$ 68.00	\$ 68.00	\$ 51.00	\$ 51.00	\$ (17.00)	\$ (17.00)	
16500P1MADD000	16500P1MADD038	Music Therapist	\$ 68.00	\$ 68.00	\$ 51.00	\$ 51.00	\$ (17.00)	\$ (17.00)	
16500P1MEDD000	16500P1ANS017	Anesthesiology Assist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1ATBD039	Athletic Trainer	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1DABD029	Dietician Certified	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1DSPS851	DSPS Resident Educ License	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	
16500P1MEDD000	16500P1DSPS875	DSPS Special Permit	\$ 75.00	\$ -	\$ 60.00	\$ -	\$ (15.00)	\$ -	
16500P1MEDD000	16500P1HMOP048	Home Med Oxygen Provider	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1MEDD000	16500P1MEDD020	Medicine Surgery MD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD021	Medicine Surgery OD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	

Board Project Code	Project	Project Name	21-23						Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1MEDD000	16500P1MEDD220	Administrative Physician MD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD221	Administrative Physician OD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD320	Medicine Surgery MD Compact	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD321	Medicine Surgery OD Compact	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MTBD146	Massage Therapy Bodyworker	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1OTBD026	Occupational Therapist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1OTBD027	Occupational Therapist Assist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1PHAD023	Physician Assistant	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1PODD025	Podiatrist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1PRFD018	Perfusionist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1RSPD028	Respiratory Care Practitioner	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MFTD000	16500P1CPCD125	Counselor Professional Licen	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1CPCD226	Counselor Professional Trn	\$ 62.00	\$ -	\$ 60.00	\$ -	\$ (2.00)	\$ -	
16500P1MFTD000	16500P1MFTD124	Marriage Family Therapist	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1MFTD228	Marriage Family Therapist Trn	\$ 62.00	\$ -	\$ 60.00	\$ -	\$ (2.00)	\$ -	
16500P1MFTD000	16500P1SOCD120	Social Worker	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD121	Social Worker Adv Practice	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD122	Social Worker Independent	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD123	Social Worker Lic Clinical	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD127	Social Worker Training	\$ 62.00	\$ -	\$ 60.00	\$ -	\$ (2.00)	\$ -	
16500P1NHAD000	16500P1NHAD065	Nursing Home Administrator	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1NURD000	16500P1NURD030	Nurse Registered	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1NURD000	16500P1NURD031	Nurse Licensed Practical	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1NURD000	16500P1NURD032	Nurse Midwife	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1NURD000	16500P1NURD033	Nurse Adv Practice Prescriber	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1OPTD000	16500P1OPTD035	Optometrist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1PDET000	16500P1PDET062	Private Detective Agency	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00	\$ -	\$ -	
16500P1PDET000	16500P1PDET063	Private Detective	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00	\$ -	\$ -	
16500P1PHMD000	16500P1PHMD040	Pharmacist	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD042	Pharmacy In State	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD043	Pharmacy Out of State	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD044	Drug Device Manufacturer	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD045	Wholesale Distrib Presc Drugs	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHTD000	16500P1PHTD019	Physical Therapist Assistant	\$ 68.00	\$ 68.00	\$ 56.00	\$ 56.00	\$ (12.00)	\$ (12.00)	
16500P1PHTD000	16500P1PHTD024	Physical Therapist	\$ 68.00	\$ 68.00	\$ 56.00	\$ 56.00	\$ (12.00)	\$ (12.00)	
16500P1PSEC000	16500P1PSEC108	Private Security Person	\$ 27.00	\$ 27.00	\$ 27.00	\$ 27.00	\$ -	\$ -	
16500P1PSYD000	16500P1PSYD057	Psychologist	\$ 66.00	\$ 66.00	\$ 60.00	\$ 60.00	\$ (6.00)	\$ (6.00)	

Board Project Code	Project	Project Name	21-23						Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1PSYD000	16500P1PSYD058	School Psychologist Priv Prac	\$ 66.00	\$ 66.00	\$ 60.00	\$ 60.00	\$ (6.00)	\$ (6.00)	
16500P1RADD000	16500P1RADD142	Radiographer Licensed	\$ 65.00	\$ 65.00	\$ 54.00	\$ 54.00	\$ (11.00)	\$ (11.00)	
16500P1RADD000	16500P1RADD144	Ltd Xray Machine Oper Permit	\$ 65.00	\$ 65.00	\$ 54.00	\$ 54.00	\$ (11.00)	\$ (11.00)	
16500P1REBD000	16500P1REBD090	Real Estate Broker	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1REBD000	16500P1REBD091	Real Estate Business Entity	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1REBD000	16500P1REBD093	Timeshare Salesperson	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1REBD000	16500P1REBD094	Real Estate Salesperson	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1RHID000	16500P1RHID106	Home Inspector	\$ 51.00	\$ 51.00	\$ 51.00	\$ 51.00	\$ -	\$ -	
16500P1SAAC000	16500P1SAAC130	Subst Abuse Counselor Training	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC131	Subst Abuse Counselor	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC132	Subst Abuse Counselor Clinical	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC133	Subst Abuse Clin Sup Training	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC134	Subst Abuse Intermed Clin Sup	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC135	Subst Abuse Indep Clin Sup	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC136	Subst Abuse Prev Specialist Tr	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC137	Subst Abuse Prevent Specialist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAND000	16500P1SAND197	Sanitarians Registered	\$ 75.00	\$ 75.00	\$ 51.00	\$ 51.00	\$ (24.00)	\$ (24.00)	
16500P1SLID000	16500P1SLID150	Sign Language Interp	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SLID000	16500P1SLID151	Sign Lanugage Interpr Restrict	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1TANE000	16500P1TANE401	Tanning Establishments	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	
16500P1TBAP000	16500P1TBAP402	Tattoo Body Art Piercing Estab	\$ 135.00	\$ 220.00	\$ 135.00	\$ 220.00	\$ -	\$ -	Set by Wis. Admin. Code SPS 221.05 - \$135 for tattoo OR body art establishment; \$220 for tattoo AND body art establishment
16500P1TBAP000	16500P1TBAP403	Tattoo Body Art Piercing Pract	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ -	\$ -	
16500P1TBAP000	16500P1TBAP404	Body Piercing	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ -	\$ -	