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**VIRTUAL/TELECONFERENCE  
PHARMACY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison, WI  
Contact: Carl Hampton (608) 266-2112  
June 24, 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 April 29, 2021 (5-9)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
  - 1) Appointments as of July 1, 2021:
    - a. Susan Kleppin, Pharmacist Member (Succeeds: Philip Trapskin)
    - b. Christa Wilson, Pharmacist Member (Succeeds: Cathy Winters)
- E. Workforce Survey – Discussion and Consideration**
  - 1) **APPEARANCE:** Secretary Dawn Crim
- F. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Appointment of Liaisons **(10-12)**
  - 3) Board Members – Term Expiration Dates
- G. Memorandum of Understanding Addressing Certain Distributions of Compounded Drug Products Between the State Boards of Pharmacy and the U.S. Food and Drug Administration – Discussion and Consideration**
  - 1) **APPEARANCES:** William Cover and Melissa Madigan, National Association of Boards of Pharmacy (NABP) and Gail Bormel, U.S. Food and Drug Administration
- H. Legislative and Policy Matters – Discussion and Consideration (13)**
  - 1) Assembly Bill 281/Senate Bill 300 (Pharmacy Technicians) **(14-41)**
  - 2) 2021 Wisconsin Act 25
  - 3) 2021 Wisconsin Act 9

- I. Administrative Rule Matters – Discussion and Consideration (38)**
  - 1) Preliminary Rule Draft for Phar 8, Relating to Requirements for Controlled Substances
  - 2) Preliminary Rule Draft for Phar 5, 6, 7, 11, and 12, Relating to Obsolete and Unnecessary Provisions for Pharmacists and Pharmacies and Changes Identified in the 2019 Legislative Report **(39-43)**
  - 3) Scope Statement for 2021 Wisconsin Act 25, Relating to Third Party Logistics Providers
  - 4) Scope Statement for 2021 Wisconsin Act 9, Relating to Disclosures to Consumers
  - 5) Pending or Possible Rulemaking Projects
  
- J. 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
  
- K. Education and Examination Matters – Discussion and Consideration**
  - 1) Multistate Pharmacy Jurisprudence Examination (MPJE) Update
  
- L. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**
  - 1) Travel Report: Virtual 117<sup>th</sup> NABP Annual Meeting on May 13-14, 2021
  - 2) 2022 Annual Meeting Planning: NABP/American Association of Colleges of Pharmacy (AACP) District IV
  
- 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 116 – W., J.A.D. **(44-47)**
- b. 19 PHM 163 – C.B.A., R.F.P. **(48-56)**
- c. 19 PHM 116 – A.P.W. **(57-64)**
- d. 19 PHM 236 – A.P. **(65-69)**
- e. 19 PHM 248 – E.P.S., E.P.L. **(70-73)**
- f. 19 PHM 288 – A.P. **(74-76)**
- g. 20 PHM 070 – B.P. **(77-80)**
- h. 20 PHM 112 – C.P. **(81-95)**
- i. 20 PHM 139 – A.P. **(96-99)**
- j. 20 PHM 172 – W. **(100-104)**
- k. 20 PHM 187 – A.M.C.G. **(105-110)**
- l. 21 PHM 016 – W. **(111-114)**

**2) Administrative Warnings**

- a. 20 PHM 146 – G.S.I. **(115-116)**

**3) Proposed Stipulations, Final Decisions and Orders**

- a. 20 PHM 188 – Christine T. Lodl, R.Ph. **(117-123)**

**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: SEPTEMBER 2, 2021**

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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  
APRIL 29, 2021**

**PRESENT:** Tiffany O’Hagan, Anthony Peterangelo, Philip Trapskin, John Weitekamp, Cathy Winters, Michael Walsh, Shana Weiss (*arrived at 12:03 p.m./excused at 2:03 p.m.*)

**STAFF:** Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Kassandra Walbrun, 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 11:01 a.m. A quorum was confirmed with six (6) members present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Open Session: Under item “K. Speaking Engagements, Travel, or Public Relation Requests, and Reports –Discussion and Consideration” **ADD:**
  - “3) Consideration of Attendance: NABP Virtual Program Review and Training – June 15, 2021”

**MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MARCH 4, 2021**

**MOTION:** Cathy Winters moved, seconded by Anthony Peterangelo, to approve the Minutes of March 4, 2021 as published. Motion carried unanimously.

**PUBLIC HEARING: CR 21-028 (PHAR 2.06), RELATED TO RECIPROCAL LICENSE FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS AND SPOUSES**

**Review Clearinghouse Report on CR 21-028**

**MOTION:** Philip Trapskin moved, seconded by Anthony Peterangelo, to accept all Clearinghouse comments for rule CR 21-028, relating to reciprocal licenses for service members, former service members and their spouses. Motion carried unanimously.

**MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to authorize the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule CR 21-028 related to reciprocal licenses for service members, former service members and their spouses, for submission to the Governor's Office and Legislature. Motion carried unanimously.

## **ADMINISTRATIVE MATTERS**

### **Department, Staff and Board Updates**

**MOTION:** Cathy Winters moved, seconded by Anthony Peterangelo, to recognize and thank Dale Kleven for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

## **LEGISLATIVE AND POLICY MATTERS**

### **2021 Wisconsin Act 25**

**MOTION:** Philip Trapskin moved, seconded by Anthony Peterangelo, to request DSPS staff draft a Scope Statement regarding 2021 Wisconsin Act 25, relating to third-party logistics providers, and to designate Tiffany O'Hagan to advise DSPS staff. Motion carried unanimously.

### **2021 Wisconsin Act 9**

**MOTION:** Philip Trapskin moved, seconded by Michael Walsh, to request DSPS staff to investigate options for implementation of 2021 Wisconsin Act 9 as it relates to the top 100 prescribed prescriptions and pharmacy requirements to make pricing available. Motion carried unanimously.

*(Shana Weiss joined the meeting at 12:03 pm)*

## **ADMINISTRATIVE RULE MATTERS**

### **EmR 2102 Reuse of PPE – Consideration of Extension Request**

**MOTION:** Anthony Peterangelo moved, seconded by Cathy Winters, that the Board does not see a need for an extension of EmR 2102, related to reuse of PPE. Motion carried unanimously.

### **EmR 2105 Endorsement Licensure – Consideration of Extension Request**

**MOTION:** Anthony Peterangelo moved, seconded by Michael Walsh, that the Board does not see a need for an extension of EmR 2105, related to endorsement licensure. Motion carried unanimously.

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

**Consideration of Attendance: NABP Virtual Program Review and Training – June 15, 2021**

**MOTION:** Cathy Winters moved, seconded by Shana Weiss, to designate Tiffany O’Hagan, Anthony Peterangelo, and John Weitekamp to attend the NABP Virtual Program Review and Training on June 15, 2021. Motion carried unanimously.

**COVID-19**

**MOTION:** Cathy Winters moved, seconded by Michael Walsh, to express the support and encouragement of the Board for its licensees to receive a COVID-19 vaccine as soon as they are eligible to do so, and the vaccine is available to them. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Michael Walsh moved, seconded by Cathy Winters, 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; Philip Trapskin-yes; Michael Walsh-yes; Shana Weiss-yes; John Weitekamp-yes; and Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:41 p.m.

**CREDENTIALING MATTERS**

**Application Review**

***Ascension Wisconsin Hospital Menomonee Falls Campus – In-State Pharmacy Application***

**MOTION:** Michael Walsh moved, seconded by Cathy Winters, to refer the matter of Ascension Wisconsin Hospital Menomonee Falls Campus to Philip Trapskin, Credentialing Liaison, to discuss with the applicant and make a final determination. Motion carried unanimously.

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

**Administrative Warnings**

- MOTION:** Cathy Winters moved, seconded by Michael Walsh, to issue an Administrative Warning in the matter of the following DLSC Cases:
- a. 19 PHM 189 – B.H.P.
  - b. 20 PHM 178 – R.J.N.
- Motion carried unanimously.

*(Shana Weiss was excused at 2:03 p.m.)*

**Case Closings**

- MOTION:** Michael Walsh moved, seconded by Tiffany O’Hagan, to close the following DLSC Cases for the reasons outlined below:
- a. 19 PHM 071 & 20 PHM 108 – L.C.P. – Insufficient Evidence
  - b. 19 PHM 189 – S.Y.R. – No Violation
  - c. 19 PHM 194 – W. – Prosecutorial Discretion (P2)
  - d. 19 PHM 253 – S.P.P. – Prosecutorial Discretion (P5)
  - e. 19 PHM 254 – M.P. – Prosecutorial Discretion (P5)
  - f. 19 PHM 262 – P. – No Violation
  - g. 19 PHM 264 – P.P.A. – Prosecutorial Discretion (P5)
  - h. 19 PHM 265 – D.M.P. – Prosecutorial Discretion (P2)
  - i. 19 PHM 266 – I.B.P. – No Violation
  - j. 19 PHM 268 – C.D.R. – No Violation
  - k. 20 PHM 059 – W. – No Violation & M.P.R. – Prosecutorial Discretion (P1)
  - l. 20 PHM 061 – H.P. & O.B. – Insufficient Evidence
  - m. 20 PHM 094 – C.V.S.S. – Prosecutorial Discretion (P2)
  - n. 20 PHM 095 – L.M.P. – No Violation
  - o. 20 PHM 126 – F.P. – Insufficient Evidence
  - p. 20 PHM 143 – S.V.P. – No Violation
  - q. 20 PHM 148 – W.P.N. – No Violation
  - r. 20 PHM 152 – J.L. – No Violation
  - s. 21 PHM 009 – A.R. – No Violation
- Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

- MOTION:** Cathy Winters moved, seconded by Anthony Peterangelo, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 2:20 p.m.



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

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

The meeting adjourned at 2:23 p.m.

DRAFT

**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		2) Date when request submitted: 6/10/2021 <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: 6/24/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Liaisons and Alternates	
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:	
10) Describe the issue and action that should be addressed: The Chairperson should review the liaison assignments and decide if new assignments for departing members is warranted.			
11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <span><i>Kimberly Wood</i></span> <span>6/10/2021</span> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Signature of person making this request</span> <span>Date</span> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Supervisor (if required)</span> <span>Date</span> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</span> <span>Date</span> </div>			
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.			

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Anthony Peterangelo, Tiffany O’Hagan, <b>Philip Trapskin</b>
<b>Office of Education and Examinations Liaison(s)</b>	<b>Cathy Winters</b> <i>Alternate:</i> John Weitekamp
<b>Monitoring Liaison(s)</b>	Shana Weiss <i>Alternate:</i> <b>Cathy Winters</b>
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	<b>Philip Trapskin</b> <i>Alternate:</i> Anthony Peterangelo
<b>Travel Liaison</b>	Chairperson <i>Alternate:</i> Vice Chairperson
<b>Legislative Liaison(s)</b>	<b>Cathy Winters</b> , Anthony Peterangelo, Tiffany O’Hagan, John Weitekamp
<b>Pilot Program Liaison(s)</b>	Tiffany O’Hagan, Anthony Peterangelo
<b>Newsletter Liaison(s)</b>	John Weitekamp <i>Alternate:</i> <b>Cathy Winters</b>
<b>Website Liaison(s)</b>	<b>Philip Trapskin</b> , Michael Walsh
<b>Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)</b>	John Weitekamp
<b>PHARM Rep to SCAODA</b>	Anthony Peterangelo <i>Alternate:</i> John Weitekamp
<b>Variance Liaison</b>	Tiffany O’Hagan <i>Alternate:</i> Anthony Peterangelo
<b>SCREENING PANEL APPOINTMENTS</b>	

<b>January – December 2021</b>	John Weitekamp, Tiffany O’Hagan, Michael Walsh <i>Alternate: Anthony Peterangelo</i>
<b>COMMITTEE MEMBER APPOINTMENTS</b>	
Pharmacy Rules Committee	Cathy Winters, Philip Trapskin, John Weitekamp

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Carl Hampton, Interim Executive Director		<b>2) Date when request submitted:</b> 6/15/2021 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Pharmacy Examining Board			
<b>4) Meeting Date:</b> 6/24/2021	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislative and Policy Matters 1) Assembly Bill 281/Senate Bill 300 (Pharmacy Techs) 2) 2021 Wisconsin Act 25 3) 2021 Wisconsin Act 9	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b> Receive update on legislative and policy matters.			
<b>11) Authorization</b>			
<i>Kimberly Wood</i>		6/15/2021	
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	
<b>Directions for including supporting documents:</b> 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.			



## 2021 SENATE BILL 300

April 8, 2021 - Introduced by Senators BERNIER, RINGHAND and TESTIN, cosponsored by Representatives HORLACHER, BOWEN, BROOKS, CABRAL-GUEVARA, DITTRICH, DUCHOW, GUNDRUM, HONG, MAGNAFICI, MOSES, MURPHY, ROZAR, SCHRAA, SKOWRONSKI, SUBECK and WICHGERS. Referred to Committee on Insurance, Licensing and Forestry.

1     **AN ACT** *to renumber and amend* 450.02 (2); *to amend* 146.81 (1) (fm), 146.997  
2           (1) (d) 8., 450.01 (16) (g), 450.01 (21e) (a), 450.02 (3) (f), 450.03 (1) (e), 450.03 (1)  
3           (i), 450.035 (2h), 450.035 (2i) (a) and (b), 450.035 (3), 450.035 (4), 450.062  
4           (intro.), 450.08 (1), 450.08 (2) (b), 450.10 (1) (a) 1., 450.10 (1) (a) 2., 450.10 (1)  
5           (a) 3., 450.10 (1) (a) 6., 450.10 (1) (b) (intro.), 450.10 (1) (b) 3., 450.10 (2), 450.10  
6           (3) (a) 1., 450.11 (1b) (bm), 450.11 (1b) (d), 450.11 (1b) (e) 2., 450.11 (3), 450.11  
7           (7) (d), 450.11 (8) (a) and 450.17; *to repeal and recreate* 146.89 (1) (r) 4. and  
8           450.08 (title); and *to create* 440.03 (13) (b) 48m., 440.08 (2) (a) 56m., 450.01  
9           (15g), 450.01 (16c), 450.02 (2) (b), 450.03 (1) (gm) and 450.068 of the statutes;  
10          **relating to:** registration of pharmacy technicians, extending the time limit for  
11          emergency rule procedures, providing an exemption from emergency rule  
12          procedures, and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, no person may engage in the practice of pharmacy unless the person is licensed as a pharmacist by the Pharmacy

**SENATE BILL 300**

Examining Board. One such exception is for a person who is providing services as directed, supervised, and inspected by a pharmacist who has the power to direct, decide, and oversee the implementation of the services rendered, subject to any rules promulgated by the board. Current rules of the board govern the practice of pharmacy technicians, which are defined as non-pharmacists or non-pharmacist interns who, under the general supervision of a pharmacist who regularly coordinates, directs, and inspects the activities of the pharmacy technician, assist the pharmacist in the technical and nonjudgmental functions related to the practice of pharmacy in the processing of prescription orders and inventory management. The rules regulate the activities of pharmacy technicians, but pharmacy technicians are not, under current law, required to be credentialed by the board in order to practice.

This bill instead requires pharmacy technicians to be registered by the board and prohibits any person from engaging in the practice of a pharmacy technician, as defined by the board, or using the title “pharmacy technician” or “pharmacy tech” unless the person is registered as a pharmacy technician by the board. Registration requires submission of an application listing the applicant’s employer, if any, and address, and a fee, and requires that the applicant have graduated high school or an equivalency or be enrolled in a pharmacy technician youth apprenticeship program. The bill allows a person who has applied for a pharmacy technician registration to practice as a pharmacy technician under the direct supervision of a pharmacist during the period before the board takes final action on the person’s application. Pharmacy technicians are required under the bill to notify the board of any home address or employer changes.

The bill requires the board to promulgate rules to define the activities that constitute the practice of a pharmacy technician for purposes of the registration requirement.

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

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

- 1           **SECTION 1.** 146.81 (1) (fm) of the statutes is amended to read:
- 2           146.81 (1) (fm) A pharmacist or pharmacy technician licensed or registered
- 3 under ch. 450.
- 4           **SECTION 2.** 146.89 (1) (r) 4. of the statutes is repealed and recreated to read:
- 5           146.89 (1) (r) 4. Registered as a pharmacy technician under ch. 450.
- 6           **SECTION 3.** 146.997 (1) (d) 8. of the statutes is amended to read:

**SENATE BILL 300**

1           146.997 (1) (d) 8. A pharmacist or pharmacy technician licensed or registered  
2 under ch. 450.

3           **SECTION 4.** 440.03 (13) (b) 48m. of the statutes is created to read:

4           440.03 (13) (b) 48m. Pharmacy technician.

5           **SECTION 5.** 440.08 (2) (a) 56m. of the statutes is created to read:

6           440.08 (2) (a) 56m. Pharmacy technician: June 1 of each even-numbered year.

7           **SECTION 6.** 450.01 (15g) of the statutes is created to read:

8           450.01 (15g) “Pharmacy technician” means a person registered by the board  
9 under s. 450.068.

10          **SECTION 7.** 450.01 (16) (g) of the statutes is amended to read:

11          450.01 (16) (g) Supervision of pharmacy technicians and other pharmacist  
12 supportive personnel.

13          **SECTION 8.** 450.01 (16c) of the statutes is created to read:

14          450.01 (16c) “Practice of a pharmacy technician” means any of the following:

15          (a) The activities specified in rules promulgated by the board under s. 450.02  
16 (2) (b).

17          (b) Administering vaccines or drugs as authorized under s. 450.035.

18          **SECTION 9.** 450.01 (21e) (a) of the statutes is amended to read:

19          450.01 (21e) (a) An action by a pharmacist or pharmacy technician with respect  
20 to a prescription drug that the pharmacist or pharmacy technician is dispensing.

21          **SECTION 10.** 450.02 (2) of the statutes is renumbered 450.02 (2) (intro.) and  
22 amended to read:

23          450.02 (2) (intro.) The board shall adopt promulgate rules defining to do all of  
24 the following:



**SENATE BILL 300****SECTION 10**

1           (a) Define the active practice of pharmacy. The rules shall apply to all  
2 applicants for licensure under s. 450.05.

3           **SECTION 11.** 450.02 (2) (b) of the statutes is created to read:

4           450.02 (2) (b) Define the activities that constitute the practice of a pharmacy  
5 technician for purposes of the registration requirement under s. 450.068.

6           **SECTION 12.** 450.02 (3) (f) of the statutes is amended to read:

7           450.02 (3) (f) Establishing procedures for identifying pharmacists and  
8 pharmacy technicians impaired by alcohol or other drugs or physical or mental  
9 disability or disease and for assisting those pharmacists and pharmacy technicians  
10 in obtaining treatment.

11           **SECTION 13.** 450.03 (1) (e) of the statutes is amended to read:

12           450.03 (1) (e) Any person lawfully practicing within the scope of a license,  
13 permit, registration, certificate, or certification granted to practice as a pharmacy  
14 technician under s. 450.068, to provide home medical oxygen under s. 450.076, to  
15 practice professional or practical nursing or nurse-midwifery under ch. 441, to  
16 practice dentistry or dental hygiene under ch. 447, to practice medicine and surgery  
17 under ch. 448, to practice optometry under ch. 449 or to practice veterinary medicine  
18 under ch. 89, or as otherwise provided by statute.

19           **SECTION 14.** 450.03 (1) (gm) of the statutes is created to read:

20           450.03 (1) (gm) A person who has applied for a registration under s. 450.068  
21 and whose practice as a pharmacy technician is limited to performing duties under  
22 the direct supervision of a person licensed as a pharmacist by the board and during  
23 the period before which the board takes final action on the person's application.

24           **SECTION 15.** 450.03 (1) (i) of the statutes, as affected by 2021 Wisconsin Act 3,  
25 is amended to read:

**SENATE BILL 300**

1           450.03 (1) (i) Any person, ~~other than a pharmacy technician,~~ who is providing  
2           services, ~~including administering vaccines or drugs as authorized under s. 450.035,~~  
3           as directed, supervised, and inspected by a pharmacist who has the power to direct,  
4           decide, and oversee the implementation of the services rendered, subject to any rules  
5           promulgated by the board and subject to s. 450.035 (2m).

6           **SECTION 16.** 450.035 (2h) of the statutes, as created by 2021 Wisconsin Act 3,  
7           is amended to read:

8           450.035 (2h) (a) ~~A person engaged in the practice of pharmacy under s. 450.03~~  
9           ~~(1) (i)~~ pharmacy technician may not administer a vaccine unless all of the following  
10          are satisfied:

11          1. ~~The person~~ pharmacy technician has successfully completed at least 2 hours  
12          in a course of study and training, approved by the Accreditation Council for  
13          Pharmacy Education or the board, in hands-on injection technique and the  
14          recognition and treatment of emergency reactions to vaccines.

15          2. ~~The person~~ pharmacy technician acts under the direct supervision of a  
16          pharmacist and the supervising pharmacist has successfully completed a course of  
17          study and training specified in sub. (2) and has satisfied the requirements specified  
18          in sub. (2t).

19          3. ~~The person~~ pharmacy technician holds a current certification in basic life  
20          support or cardiopulmonary resuscitation.

21          4. ~~The person~~ pharmacy technician holds a certified pharmacy technician  
22          certification from either the Pharmacy Technician Certification Board, or its  
23          successor organization, or the National Healthcareer Association, or its successor  
24          organization.

**SENATE BILL 300****SECTION 16**

1 (b) A person engaged in the practice of pharmacy under s. 450.03 (1) (i)  
2 pharmacy technician may not administer a vaccine under this subsection to a person  
3 who is under the age of 6.

4 **SECTION 17.** 450.035 (2i) (a) and (b) of the statutes, as affected by 2021  
5 Wisconsin Act 3, are amended to read:

6 450.035 (2i) (a) Subject to subs. (2), (2g), and (2h), a pharmacist, a pharmacy  
7 technician, or a person engaged in the practice of pharmacy under s. 450.03 (1) (f),  
8 (fm), or (g), ~~or~~ (i) may administer without a prescription order any vaccine listed in  
9 the current immunization schedules recommended by the federal advisory  
10 committee on immunization practices and published by the federal centers for  
11 disease control and prevention.

12 (b) Subject to subs. (2), (2g), and (2h), a pharmacist, a pharmacy technician, or  
13 a person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g), ~~or~~  
14 (i) may initiate and administer any vaccine not listed in the current immunization  
15 schedules recommended by the federal advisory committee on immunization  
16 practices and published by the federal centers for disease control and prevention if  
17 the vaccine is administered pursuant to a prescription order, vaccination protocol,  
18 or standing order.

19 **SECTION 18.** 450.035 (3) of the statutes, as affected by 2021 Wisconsin Act 3,  
20 is amended to read:

21 450.035 (3) A pharmacist, a pharmacy technician, or a person engaged in the  
22 practice of pharmacy under s. 450.03 (1) (f), (fm), or (g), ~~or~~ (i) who successfully  
23 completes a course of study and training specified in sub. (1r), (1t), (2), (2g), or (2h),  
24 or holds a certification under sub. (2h), shall maintain proof of completion or holding

**SENATE BILL 300**

1 the certification and, upon request, provide copies of such proof to the department  
2 or the board.

3 **SECTION 19.** 450.035 (4) of the statutes, as affected by 2021 Wisconsin Act 3,  
4 is amended to read:

5 450.035 (4) A pharmacist, pharmacy technician, or person engaged in the  
6 practice of pharmacy under s. 450.03 (1) (f), (fm), or (g), ~~or (i)~~ who administers a  
7 vaccine to a person under this section shall update, or cause a pharmacy to update,  
8 the Wisconsin Immunization Registry established by the department of health  
9 services within 7 days of administering the vaccine.

10 **SECTION 20.** 450.062 (intro.) of the statutes is amended to read:

11 **450.062 Remote dispensing.** (intro.) Pursuant to rules promulgated by the  
12 board, a pharmacist, a pharmacy technician, or a person engaged in the practice of  
13 pharmacy under s. 450.03 (1) (f), (g), or (i) may dispense at any of the following  
14 locations:

15 **SECTION 21.** 450.068 of the statutes is created to read:

16 **450.068 Pharmacy technicians; registration.** (1) No person may engage  
17 in the practice of a pharmacy technician or use the title “pharmacy technician” or  
18 “pharmacy tech” unless the person is registered as a pharmacy technician by the  
19 board.

20 (2) Except as provided in s. 450.10, the board shall issue a registration as a  
21 pharmacy technician to an applicant who satisfies all of the following:

22 (a) The applicant submits an application for registration on a form provided by  
23 the board that specifies all of the following:

24 1. The applicant’s home address.

**SENATE BILL 300****SECTION 21**

1           2. If the applicant is employed, the name and address of the applicant's  
2 employer, and the applicant's place of employment.

3           (b) The applicant satisfies one of the following:

4           1. The applicant is at least 18 years of age and has graduated from high school  
5 or has attained high school graduation equivalency as determined by the department  
6 of public instruction.

7           2. The applicant is enrolled in a youth apprenticeship program for pharmacy  
8 technicians that is on the list of youth apprenticeship programs approved by the  
9 department of workforce development under s. 106.13 (2m).

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

11          **(3)** A pharmacy technician shall do all of the following:

12          (a) Notwithstanding s. 440.11, if the pharmacy technician moves from the last  
13 address provided to the department, notify the department of his or her new address  
14 within 10 days of the change in writing or in accordance with other notification  
15 procedures approved by the department.

16          (b) If the pharmacy technician changes his or her employer or place of  
17 employment, notify the department of his or her new employer or address of  
18 employment within 10 days of the change in writing or in accordance with other  
19 notification procedures approved by the department and, if required by the  
20 department, pay the transfer fee under s. 440.05 (7).

21          **SECTION 22.** 450.08 (title) of the statutes is repealed and recreated to read:

22          **450.08** (title) **Credential renewals.**

23          **SECTION 23.** 450.08 (1) of the statutes is amended to read:

24          450.08 (1) The renewal date dates for all licenses and registrations granted by  
25 the board is are specified under s. 440.08 (2) (a). Except as provided under sub. (2)

**SENATE BILL 300**

1 (a), only a holder of an unexpired license or registration may engage in his or her  
2 licensed activity.

3 **SECTION 24.** 450.08 (2) (b) of the statutes is amended to read:

4 450.08 (2) (b) A pharmacy, pharmacy technician's, manufacturer's,  
5 distributor's, or home medical oxygen provider's license or registration may be  
6 renewed by paying the applicable fee determined by the department under s. 440.03  
7 (9) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a).

8 **SECTION 25.** 450.10 (1) (a) 1. of the statutes is amended to read:

9 450.10 (1) (a) 1. Making any materially false statement or giving any  
10 materially false information in connection with an application for a license or  
11 registration or for renewal or reinstatement of a license or registration.

12 **SECTION 26.** 450.10 (1) (a) 2. of the statutes is amended to read:

13 450.10 (1) (a) 2. Violating this chapter or, subject to s. 961.38 (4r), ch. 961 or  
14 any federal or state statute or rule which substantially relates to the practice of the  
15 licensee or registrant.

16 **SECTION 27.** 450.10 (1) (a) 3. of the statutes is amended to read:

17 450.10 (1) (a) 3. ~~Practicing~~ Engaging in the practice of pharmacy or practicing  
18 as a pharmacy technician while the person's ability to practice is impaired by alcohol  
19 or other drugs or physical or mental disability or disease.

20 **SECTION 28.** 450.10 (1) (a) 6. of the statutes is amended to read:

21 450.10 (1) (a) 6. Engaging in conduct in the practice of the licensee or registrant  
22 ~~which~~ that evidences a lack of knowledge or ability to apply professional principles  
23 or skills.

24 **SECTION 29.** 450.10 (1) (b) (intro.) of the statutes is amended to read:

**SENATE BILL 300****SECTION 29**

1           450.10 (1) (b) (intro.) Subject to subch. II of ch. 111 and the rules adopted under  
2 s. 440.03 (1), the board may reprimand the licensee or registrant or deny, revoke,  
3 suspend, or limit the license or registration or any combination thereof of any person  
4 licensed under this chapter who has:

5           **SECTION 30.** 450.10 (1) (b) 3. of the statutes is amended to read:

6           450.10 (1) (b) 3. Been found guilty of an offense the circumstances of which  
7 substantially relate to the practice of the licensee or registrant.

8           **SECTION 31.** 450.10 (2) of the statutes is amended to read:

9           450.10 (2) In addition to or in lieu of a reprimand or denial, limitation,  
10 suspension, or revocation of a license or registration under sub. (1), the board may,  
11 for the violations enumerated under sub. (1), assess a forfeiture of not more than  
12 \$1,000 for each separate offense. Each day of violation constitutes a separate offense.

13           **SECTION 32.** 450.10 (3) (a) 1. of the statutes is amended to read:

14           450.10 (3) (a) 1. A pharmacist or pharmacy technician licensed or registered  
15 under this chapter.

16           **SECTION 33.** 450.11 (1b) (bm) of the statutes is amended to read:

17           450.11 (1b) (bm) A pharmacist, pharmacy technician, or other person  
18 dispensing or delivering a drug shall legibly record the name on each identification  
19 card presented under par. (b) to the pharmacist, pharmacy technician, or other  
20 person, and the name of each person to whom a drug is dispensed or delivered subject  
21 to par. (e) 2., and shall maintain that record for a time established by the board by  
22 rule or, for a record that is subject to s. 961.385, until the name is delivered to the  
23 controlled substances board under s. 961.385, whichever is sooner.

24           **SECTION 34.** 450.11 (1b) (d) of the statutes is amended to read:

**SENATE BILL 300**

1           450.11 **(1b)** (d) A pharmacist or pharmacy technician is immune from any civil  
2 or criminal liability and from discipline under s. 450.10 for any act taken by the  
3 pharmacist or pharmacy technician in reliance on an identification card that the  
4 pharmacist reasonably believed was authentic and displayed the name of the person  
5 to whom the drug was being delivered if the sale was made in good faith.

6           **SECTION 35.** 450.11 (1b) (e) 2. of the statutes is amended to read:

7           450.11 **(1b)** (e) 2. The pharmacist, pharmacy technician, or other person  
8 dispensing or delivering the drug has personal knowledge of the person to whom the  
9 drug is dispensed or delivered and that the person is the ultimate user or the ultimate  
10 user's authorized representative.

11           **SECTION 36.** 450.11 (3) of the statutes is amended to read:

12           450.11 **(3)** PREPARATION OF PRESCRIPTION DRUGS. Except as provided in sub. (1i)  
13 (b) and ss. 118.2925 (4), 255.07 (3), and 450.076, no person other than a pharmacist  
14 or practitioner or their agents and employees as directed, supervised, and inspected  
15 by the pharmacist or practitioner, including pharmacy technicians, may prepare,  
16 compound, dispense, or prepare for delivery for a patient any prescription drug.

17           **SECTION 37.** 450.11 (7) (d) of the statutes is amended to read:

18           450.11 **(7)** (d) No person may, for the purpose of obtaining a prescription drug,  
19 falsely assume the title of, or represent himself or herself to be, a manufacturer,  
20 distributor, pharmacist, pharmacy technician, or practitioner.

21           **SECTION 38.** 450.11 (8) (a) of the statutes is amended to read:

22           450.11 **(8)** (a) The board, insofar as this section applies to pharmacists and  
23 pharmacy technicians.

24           **SECTION 39.** 450.17 of the statutes is amended to read:







## 2021 ASSEMBLY BILL 281

April 20, 2021 - Introduced by Representatives HORLACHER, BOWEN, BROOKS, CABRAL-GUEVARA, DITTRICH, DUCHOW, GUNDRUM, HONG, MAGNAFICI, MOSES, MURPHY, ROZAR, SCHRAA, SKOWRONSKI, SUBECK and WICHGERS, cosponsored by Senators BERNIER, RINGHAND and TESTIN. Referred to Committee on Health.

1     **AN ACT** *to renumber and amend* 450.02 (2); *to amend* 146.81 (1) (fm), 146.997  
2           (1) (d) 8., 450.01 (16) (g), 450.01 (21e) (a), 450.02 (3) (f), 450.03 (1) (e), 450.03 (1)  
3           (i), 450.035 (2h), 450.035 (2i) (a) and (b), 450.035 (3), 450.035 (4), 450.062  
4           (intro.), 450.08 (1), 450.08 (2) (b), 450.10 (1) (a) 1., 450.10 (1) (a) 2., 450.10 (1)  
5           (a) 3., 450.10 (1) (a) 6., 450.10 (1) (b) (intro.), 450.10 (1) (b) 3., 450.10 (2), 450.10  
6           (3) (a) 1., 450.11 (1b) (bm), 450.11 (1b) (d), 450.11 (1b) (e) 2., 450.11 (3), 450.11  
7           (7) (d), 450.11 (8) (a) and 450.17; *to repeal and recreate* 146.89 (1) (r) 4. and  
8           450.08 (title); and *to create* 440.03 (13) (b) 48m., 440.08 (2) (a) 56m., 450.01  
9           (15g), 450.01 (16c), 450.02 (2) (b), 450.03 (1) (gm) and 450.068 of the statutes;  
10          **relating to:** registration of pharmacy technicians, extending the time limit for  
11          emergency rule procedures, providing an exemption from emergency rule  
12          procedures, and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, subject to certain exceptions, no person may engage in the practice of pharmacy unless the person is licensed as a pharmacist by the Pharmacy

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Examining Board. One such exception is for a person who is providing services as directed, supervised, and inspected by a pharmacist who has the power to direct, decide, and oversee the implementation of the services rendered, subject to any rules promulgated by the board. Current rules of the board govern the practice of pharmacy technicians, which are defined as non-pharmacists or non-pharmacist interns who, under the general supervision of a pharmacist who regularly coordinates, directs, and inspects the activities of the pharmacy technician, assist the pharmacist in the technical and nonjudgmental functions related to the practice of pharmacy in the processing of prescription orders and inventory management. The rules regulate the activities of pharmacy technicians, but pharmacy technicians are not, under current law, required to be credentialed by the board in order to practice.

This bill instead requires pharmacy technicians to be registered by the board and prohibits any person from engaging in the practice of a pharmacy technician, as defined by the board, or using the title “pharmacy technician” or “pharmacy tech” unless the person is registered as a pharmacy technician by the board. Registration requires submission of an application listing the applicant’s employer, if any, and address, and a fee, and requires that the applicant have graduated high school or an equivalency or be enrolled in a pharmacy technician youth apprenticeship program. The bill allows a person who has applied for a pharmacy technician registration to practice as a pharmacy technician under the direct supervision of a pharmacist during the period before the board takes final action on the person’s application. Pharmacy technicians are required under the bill to notify the board of any home address or employer changes.

The bill requires the board to promulgate rules to define the activities that constitute the practice of a pharmacy technician for purposes of the registration requirement.

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

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

1           **SECTION 1.** 146.81 (1) (fm) of the statutes is amended to read:

2           146.81 (1) (fm) A pharmacist or pharmacy technician licensed or registered  
3 under ch. 450.

4           **SECTION 2.** 146.89 (1) (r) 4. of the statutes is repealed and recreated to read:

5           146.89 (1) (r) 4. Registered as a pharmacy technician under ch. 450.

6           **SECTION 3.** 146.997 (1) (d) 8. of the statutes is amended to read:

**ASSEMBLY BILL 281**

1           146.997 (1) (d) 8. A pharmacist or pharmacy technician licensed or registered  
2 under ch. 450.

3           **SECTION 4.** 440.03 (13) (b) 48m. of the statutes is created to read:

4           440.03 (13) (b) 48m. Pharmacy technician.

5           **SECTION 5.** 440.08 (2) (a) 56m. of the statutes is created to read:

6           440.08 (2) (a) 56m. Pharmacy technician: June 1 of each even-numbered year.

7           **SECTION 6.** 450.01 (15g) of the statutes is created to read:

8           450.01 (15g) "Pharmacy technician" means a person registered by the board  
9 under s. 450.068.

10          **SECTION 7.** 450.01 (16) (g) of the statutes is amended to read:

11          450.01 (16) (g) Supervision of pharmacy technicians and other pharmacist  
12 supportive personnel.

13          **SECTION 8.** 450.01 (16c) of the statutes is created to read:

14          450.01 (16c) "Practice of a pharmacy technician" means any of the following:

15          (a) The activities specified in rules promulgated by the board under s. 450.02  
16 (2) (b).

17          (b) Administering vaccines or drugs as authorized under s. 450.035.

18          **SECTION 9.** 450.01 (21e) (a) of the statutes is amended to read:

19          450.01 (21e) (a) An action by a pharmacist or pharmacy technician with respect  
20 to a prescription drug that the pharmacist or pharmacy technician is dispensing.

21          **SECTION 10.** 450.02 (2) of the statutes is renumbered 450.02 (2) (intro.) and  
22 amended to read:

23          450.02 (2) (intro.) The board shall adopt promulgate rules defining to do all of  
24 the following:

**ASSEMBLY BILL 281****SECTION 10**

1           (a) Define the active practice of pharmacy. The rules shall apply to all  
2 applicants for licensure under s. 450.05.

3           **SECTION 11.** 450.02 (2) (b) of the statutes is created to read:

4           450.02 **(2)** (b) Define the activities that constitute the practice of a pharmacy  
5 technician for purposes of the registration requirement under s. 450.068.

6           **SECTION 12.** 450.02 (3) (f) of the statutes is amended to read:

7           450.02 **(3)** (f) Establishing procedures for identifying pharmacists and  
8 pharmacy technicians impaired by alcohol or other drugs or physical or mental  
9 disability or disease and for assisting those pharmacists and pharmacy technicians  
10 in obtaining treatment.

11           **SECTION 13.** 450.03 (1) (e) of the statutes is amended to read:

12           450.03 **(1)** (e) Any person lawfully practicing within the scope of a license,  
13 permit, registration, certificate, or certification granted to practice as a pharmacy  
14 technician under s. 450.068, to provide home medical oxygen under s. 450.076, to  
15 practice professional or practical nursing or nurse-midwifery under ch. 441, to  
16 practice dentistry or dental hygiene under ch. 447, to practice medicine and surgery  
17 under ch. 448, to practice optometry under ch. 449 or to practice veterinary medicine  
18 under ch. 89, or as otherwise provided by statute.

19           **SECTION 14.** 450.03 (1) (gm) of the statutes is created to read:

20           450.03 **(1)** (gm) A person who has applied for a registration under s. 450.068  
21 and whose practice as a pharmacy technician is limited to performing duties under  
22 the direct supervision of a person licensed as a pharmacist by the board and during  
23 the period before which the board takes final action on the person's application.

24           **SECTION 15.** 450.03 (1) (i) of the statutes, as affected by 2021 Wisconsin Act 3,  
25 is amended to read:

**ASSEMBLY BILL 281**

1           450.03 (1) (i) Any person, ~~other than a pharmacy technician,~~ who is providing  
2           services, ~~including administering vaccines or drugs as authorized under s. 450.035,~~  
3           as directed, supervised, and inspected by a pharmacist who has the power to direct,  
4           decide, and oversee the implementation of the services rendered, subject to any rules  
5           promulgated by the board and subject to s. 450.035 (2m).

6           **SECTION 16.** 450.035 (2h) of the statutes, as created by 2021 Wisconsin Act 3,  
7           is amended to read:

8           450.035 (2h) (a) ~~A person engaged in the practice of pharmacy under s. 450.03~~  
9           ~~(1) (i)~~ pharmacy technician may not administer a vaccine unless all of the following  
10          are satisfied:

11          1. ~~The person~~ pharmacy technician has successfully completed at least 2 hours  
12          in a course of study and training, approved by the Accreditation Council for  
13          Pharmacy Education or the board, in hands-on injection technique and the  
14          recognition and treatment of emergency reactions to vaccines.

15          2. ~~The person~~ pharmacy technician acts under the direct supervision of a  
16          pharmacist and the supervising pharmacist has successfully completed a course of  
17          study and training specified in sub. (2) and has satisfied the requirements specified  
18          in sub. (2t).

19          3. ~~The person~~ pharmacy technician holds a current certification in basic life  
20          support or cardiopulmonary resuscitation.

21          4. ~~The person~~ pharmacy technician holds a certified pharmacy technician  
22          certification from either the Pharmacy Technician Certification Board, or its  
23          successor organization, or the National Healthcareer Association, or its successor  
24          organization.

**ASSEMBLY BILL 281****SECTION 16**

1 (b) A ~~person engaged in the practice of pharmacy under s. 450.03 (1) (i)~~  
2 pharmacy technician may not administer a vaccine under this subsection to a person  
3 who is under the age of 6.

4 **SECTION 17.** 450.035 (2i) (a) and (b) of the statutes, as affected by 2021  
5 Wisconsin Act 3, are amended to read:

6 450.035 **(2i)** (a) Subject to subs. (2), (2g), and (2h), a pharmacist, a pharmacy  
7 technician, or a person engaged in the practice of pharmacy under s. 450.03 (1) (f),  
8 (fm), or (g), ~~or~~ (i) may administer without a prescription order any vaccine listed in  
9 the current immunization schedules recommended by the federal advisory  
10 committee on immunization practices and published by the federal centers for  
11 disease control and prevention.

12 (b) Subject to subs. (2), (2g), and (2h), a pharmacist, a pharmacy technician, or  
13 a person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g), ~~or~~  
14 (i) may initiate and administer any vaccine not listed in the current immunization  
15 schedules recommended by the federal advisory committee on immunization  
16 practices and published by the federal centers for disease control and prevention if  
17 the vaccine is administered pursuant to a prescription order, vaccination protocol,  
18 or standing order.

19 **SECTION 18.** 450.035 (3) of the statutes, as affected by 2021 Wisconsin Act 3,  
20 is amended to read:

21 450.035 **(3)** A pharmacist, a pharmacy technician, or a person engaged in the  
22 practice of pharmacy under s. 450.03 (1) (f), (fm), or (g), ~~or~~ (i) who successfully  
23 completes a course of study and training specified in sub. (1r), (1t), (2), (2g), or (2h),  
24 or holds a certification under sub. (2h), shall maintain proof of completion or holding

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1 the certification and, upon request, provide copies of such proof to the department  
2 or the board.

3 **SECTION 19.** 450.035 (4) of the statutes, as affected by 2021 Wisconsin Act 3,  
4 is amended to read:

5 450.035 (4) A pharmacist, pharmacy technician, or person engaged in the  
6 practice of pharmacy under s. 450.03 (1) (f), (fm), or (g), ~~or (i)~~ who administers a  
7 vaccine to a person under this section shall update, or cause a pharmacy to update,  
8 the Wisconsin Immunization Registry established by the department of health  
9 services within 7 days of administering the vaccine.

10 **SECTION 20.** 450.062 (intro.) of the statutes is amended to read:

11 **450.062 Remote dispensing.** (intro.) Pursuant to rules promulgated by the  
12 board, a pharmacist, a pharmacy technician, or a person engaged in the practice of  
13 pharmacy under s. 450.03 (1) (f), (g), or (i) may dispense at any of the following  
14 locations:

15 **SECTION 21.** 450.068 of the statutes is created to read:

16 **450.068 Pharmacy technicians; registration.** (1) No person may engage  
17 in the practice of a pharmacy technician or use the title “pharmacy technician” or  
18 “pharmacy tech” unless the person is registered as a pharmacy technician by the  
19 board.

20 (2) Except as provided in s. 450.10, the board shall issue a registration as a  
21 pharmacy technician to an applicant who satisfies all of the following:

22 (a) The applicant submits an application for registration on a form provided by  
23 the board that specifies all of the following:

24 1. The applicant’s home address.



**ASSEMBLY BILL 281****SECTION 21**

1           2. If the applicant is employed, the name and address of the applicant's  
2 employer, and the applicant's place of employment.

3           (b) The applicant satisfies one of the following:

4           1. The applicant is at least 18 years of age and has graduated from high school  
5 or has attained high school graduation equivalency as determined by the department  
6 of public instruction.

7           2. The applicant is enrolled in a youth apprenticeship program for pharmacy  
8 technicians that is on the list of youth apprenticeship programs approved by the  
9 department of workforce development under s. 106.13 (2m).

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

11          **(3)** A pharmacy technician shall do all of the following:

12          (a) Notwithstanding s. 440.11, if the pharmacy technician moves from the last  
13 address provided to the department, notify the department of his or her new address  
14 within 10 days of the change in writing or in accordance with other notification  
15 procedures approved by the department.

16          (b) If the pharmacy technician changes his or her employer or place of  
17 employment, notify the department of his or her new employer or address of  
18 employment within 10 days of the change in writing or in accordance with other  
19 notification procedures approved by the department and, if required by the  
20 department, pay the transfer fee under s. 440.05 (7).

21          **SECTION 22.** 450.08 (title) of the statutes is repealed and recreated to read:

22          **450.08 (title) Credential renewals.**

23          **SECTION 23.** 450.08 (1) of the statutes is amended to read:

24          450.08 (1) The renewal date dates for all licenses and registrations granted by  
25 the board is are specified under s. 440.08 (2) (a). Except as provided under sub. (2)

**ASSEMBLY BILL 281**

1 (a), only a holder of an unexpired license or registration may engage in his or her  
2 licensed activity.

3 **SECTION 24.** 450.08 (2) (b) of the statutes is amended to read:

4 450.08 (2) (b) A pharmacy, pharmacy technician's, manufacturer's,  
5 distributor's, or home medical oxygen provider's license or registration may be  
6 renewed by paying the applicable fee determined by the department under s. 440.03  
7 (9) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a).

8 **SECTION 25.** 450.10 (1) (a) 1. of the statutes is amended to read:

9 450.10 (1) (a) 1. Making any materially false statement or giving any  
10 materially false information in connection with an application for a license or  
11 registration or for renewal or reinstatement of a license or registration.

12 **SECTION 26.** 450.10 (1) (a) 2. of the statutes is amended to read:

13 450.10 (1) (a) 2. Violating this chapter or, subject to s. 961.38 (4r), ch. 961 or  
14 any federal or state statute or rule which substantially relates to the practice of the  
15 licensee or registrant.

16 **SECTION 27.** 450.10 (1) (a) 3. of the statutes is amended to read:

17 450.10 (1) (a) 3. ~~Practicing~~ Engaging in the practice of pharmacy or practicing  
18 as a pharmacy technician while the person's ability to practice is impaired by alcohol  
19 or other drugs or physical or mental disability or disease.

20 **SECTION 28.** 450.10 (1) (a) 6. of the statutes is amended to read:

21 450.10 (1) (a) 6. Engaging in conduct in the practice of the licensee or registrant  
22 ~~which~~ that evidences a lack of knowledge or ability to apply professional principles  
23 or skills.

24 **SECTION 29.** 450.10 (1) (b) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 281****SECTION 29**

1           450.10 (1) (b) (intro.) Subject to subch. II of ch. 111 and the rules adopted under  
2 s. 440.03 (1), the board may reprimand the licensee or registrant or deny, revoke,  
3 suspend, or limit the license or registration or any combination thereof of any person  
4 licensed under this chapter who has:

5           **SECTION 30.** 450.10 (1) (b) 3. of the statutes is amended to read:

6           450.10 (1) (b) 3. Been found guilty of an offense the circumstances of which  
7 substantially relate to the practice of the licensee or registrant.

8           **SECTION 31.** 450.10 (2) of the statutes is amended to read:

9           450.10 (2) In addition to or in lieu of a reprimand or denial, limitation,  
10 suspension, or revocation of a license or registration under sub. (1), the board may,  
11 for the violations enumerated under sub. (1), assess a forfeiture of not more than  
12 \$1,000 for each separate offense. Each day of violation constitutes a separate offense.

13           **SECTION 32.** 450.10 (3) (a) 1. of the statutes is amended to read:

14           450.10 (3) (a) 1. A pharmacist or pharmacy technician licensed or registered  
15 under this chapter.

16           **SECTION 33.** 450.11 (1b) (bm) of the statutes is amended to read:

17           450.11 (1b) (bm) A pharmacist, pharmacy technician, or other person  
18 dispensing or delivering a drug shall legibly record the name on each identification  
19 card presented under par. (b) to the pharmacist, pharmacy technician, or other  
20 person, and the name of each person to whom a drug is dispensed or delivered subject  
21 to par. (e) 2., and shall maintain that record for a time established by the board by  
22 rule or, for a record that is subject to s. 961.385, until the name is delivered to the  
23 controlled substances board under s. 961.385, whichever is sooner.

24           **SECTION 34.** 450.11 (1b) (d) of the statutes is amended to read:

**ASSEMBLY BILL 281**

1           450.11 **(1b)** (d) A pharmacist or pharmacy technician is immune from any civil  
2 or criminal liability and from discipline under s. 450.10 for any act taken by the  
3 pharmacist or pharmacy technician in reliance on an identification card that the  
4 pharmacist reasonably believed was authentic and displayed the name of the person  
5 to whom the drug was being delivered if the sale was made in good faith.

6           **SECTION 35.** 450.11 (1b) (e) 2. of the statutes is amended to read:

7           450.11 **(1b)** (e) 2. The pharmacist, pharmacy technician, or other person  
8 dispensing or delivering the drug has personal knowledge of the person to whom the  
9 drug is dispensed or delivered and that the person is the ultimate user or the ultimate  
10 user's authorized representative.

11           **SECTION 36.** 450.11 (3) of the statutes is amended to read:

12           450.11 **(3)** PREPARATION OF PRESCRIPTION DRUGS. Except as provided in sub. (1i)  
13 (b) and ss. 118.2925 (4), 255.07 (3), and 450.076, no person other than a pharmacist  
14 or practitioner or their agents and employees as directed, supervised, and inspected  
15 by the pharmacist or practitioner, including pharmacy technicians, may prepare,  
16 compound, dispense, or prepare for delivery for a patient any prescription drug.

17           **SECTION 37.** 450.11 (7) (d) of the statutes is amended to read:

18           450.11 **(7)** (d) No person may, for the purpose of obtaining a prescription drug,  
19 falsely assume the title of, or represent himself or herself to be, a manufacturer,  
20 distributor, pharmacist, pharmacy technician, or practitioner.

21           **SECTION 38.** 450.11 (8) (a) of the statutes is amended to read:

22           450.11 **(8)** (a) The board, insofar as this section applies to pharmacists and  
23 pharmacy technicians.

24           **SECTION 39.** 450.17 of the statutes is amended to read:



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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Attorney		2) Date when request submitted: June 18, 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: June 24, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Preliminary rule draft for Phar 8 relating to controlled substances. 2. Preliminary rule draft for Phar 5, 6, 7, 11, and 12 relating to obsolete and unnecessary provisions for pharmacists and pharmacies. 3. Scope statement for 2021 Act 25 relating to third party logistics providers. 4. Scope statement for 2021 Act 9 relating to disclosures to consumers. 5. Pending and possible rulemaking 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 <a href="#">Appearance Request for Non-DSPS Staff</a>)</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:			
11) Authorization			
<i>Jon Derenne</i>		June 18, 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			

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 6.04 (2) and (3) (a) 2. and 3., Phar 6.04 (3) (a) 7. (b) and (c) and (4), and Phar 11; to renumber and amend Phar 6.04 (3) (a) (intro.), 1., 5., and 6.; and to amend s. Phar 5.02 (1) and (2), Phar 6.04 (1), Phar 7.04 (3) (intro.), and Phar 12.04, relating to obsolete and unnecessary provisions for pharmacists and pharmacies.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 450.06 (1) and 450.09 (4), Stats.

**Statutory authority:** ss. 15.08 (5) (b), 450.02 (3) (a), (b), (d), and 450.06 (1), Stats.

**Explanation of agency authority:**

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. [s. 15.08 (5) (b), Stats.]

The board may promulgate rules relating to the distribution and dispensing of prescription drug and establishing security standards for pharmacies. [s. 450.02 (3) (a) and (b), Stats.]

The Board may promulgate rules necessary for the administration and enforcement of this chapters 450 and 961, Stats. [s. 450.02 (3) (d), Stats.]

No pharmacist may dispense at any location in this state that is not licensed as a pharmacy by the board. No person in this state may use or display the title "pharmacy," "drugstore," "apothecary," or any other title, symbol, or insignia having the same or similar meanings, except for a place of practice which is licensed under this section as a pharmacy by the board. [s. 450.06 (1), Stats.]

**Related statute or rule:** N/A

**Plain language analysis:**

The Pharmacy Examining Board identified the following rules in its 2019 report filed with the Joint Committee for Review of Administrative Rules pursuant to s. 227.29, Stats.

Phar 5.02 is revised to delete obsolete or unnecessary provisions to require the notification to the Board regarding name or address change to be submitted in writing.

Phar 6.04 is revised to delete economically burdensome requirements and requirements which do not correspond with the evolving types of pharmacies.

Phar 7.04 (3) is revised to correct a typographical error occurring in CR 19-145 related to which should refer to Schedule III – V drugs instead of Schedule III – IV drugs. The omission of Schedule V creates inconsistency with the federal law and confusion for pharmacists.

Ch. Phar 11 is repealed as it is duplicative and unnecessary.

Phar 12.04 is revised as the federal standards referenced have been superseded.

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

**Comparison with rules in adjacent states:**

**Illinois:** Statutes outlining Illinois' Pharmacy Practice Act are found under 225 ILCS 85 and codified under IL 68/1330 for the Pharmacy Practice. Specifically, IL 68/1330.610 outlines the standards for pharmacy structure/equipment standards. The section does require a locked area for drugs. However, Illinois does not identify professional service area square footage requirements or signage requirements.

**Iowa:** The complete Iowa Board of Pharmacy rules are contained in 657 Iowa Administrative Code. The Iowa Pharmacy Practice Act is codified under administrative code chapter 155A, specifically related to licensed pharmacies under s. 155A.13. Rules do require a locked area for drugs. However, there are no comparable requirements for professional service area square footage or signage.

**Michigan:** Michigan administrative code MCL 338.536 for housing of pharmacies specifically requires pharmacies to have a prescription department that is devoted primarily to the practice of pharmacy that occupies not less than 150 square feet of space, and that it includes a prescription counter that provides not less than 10 square feet of free working surface. For each additional pharmacist on duty, workspace must be increased by not less than 4 square feet and pharmacies that occupy less than the entire area of the premises owned, leased, used, or controlled by the licensee must be permanently enclosed by partitions from the floor to the ceiling of substantial construction and must be securely lockable. There do not appear to be requirements for signage.

**Minnesota:** The Minnesota Administrative Code chapter 6800 related to pharmacies and pharmacists, provides the rules for the standards for pharmacies. Specifically, Minnesota Administrative Code section 6800.0700 provides minimum requirements for pharmacies. The pharmacy space requirements include the pharmacy must: contain more than 250 square feet in the dispensing and drug storage area; maintain a prescription dispensing counter at least 18 inches deep that provides 2 linear feet; maintain an aisle behind the prescription dispensing



counter at least 36 inches wide, extending the full length of the counter; be surrounded by a continuous partition or wall extending from the floor to the permanent ceiling; and contain doors capable of being securely locked. There do not appear to be requirements for signage.

**Summary of factual data and analytical methodologies:**

The Board conducted a full review of its administrative codes in compliance with the Legislative Report to the Joint Committee of Review of Administrative Rules under s. 227.29, Stats. The items in this rule project are a result of that review.

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

This rule will be posted for economic comments for 14 days.

**Fiscal Estimate and Economic Impact Analysis:**

The proposed rules will be 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.

**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; phone (608) 261-4463; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. Phar 5.02 (1) and (2) are amended to read:

**Phar 5.02 (1)** A pharmacist shall notify the board ~~in writing~~ when ~~his or her~~ a pharmacist’s name has been legally changed, within 30 days of the change.

**(2)** A pharmacist shall notify the board ~~in writing~~ when ~~his or her~~ a pharmacist’s address has been changed, within 30 days of the change.

SECTION 2. Phar 6.04 (1) is amended to read:

**Phar 6.04 (1)** PROFESSIONAL SERVICE AREA. ~~The professional service area of a pharmacy shall not be less than 250 sq. ft. No more than 20% of the space may be used for storage of bulk~~

~~pharmaceuticals. If the pharmacy building is open at any time solely as a non-prescription or sundry outlet, without a pharmacist present while the professional service area is closed, the professional service area shall be secured as specified in sub. (3). A variance to the 250 sq. ft. professional service area requirement may be authorized by the board upon submission of a specific plan describing the manner in which the proposed professional service plan varies from the requirement.~~

SECTION 2. Phar 6.04 (2) is repealed.

SECTION 3. Phar 6.04 (3) (a) (intro.), and 1. are renumbered Phar 6.04 (3) (intro.) and (am) and are amended to read:

**Phar 6.04 (3) (intro.)** ~~PROFESSIONAL SERVICE AREA REQUIREMENTS WHERE PHARMACIST IS ABSENT~~ REQUIREMENTS WHEN THE PROFESSIONAL SERVICE AREA IS CLOSED

~~Except as provided in par. (c), if no pharmacist is present in the professional service area, a pharmacy may convert to a non-prescription or sundry outlet if~~ When the pharmacy professional service area is closed, the pharmacy shall meet all of the following requirements are met:

(am) A locked, secure physical barrier surrounds the professional service area of the pharmacy and precludes access to the area by ~~unlicensed~~ unauthorized personnel. A secured barrier may be constructed of other than a solid material with a continuous surface. If constructed of other than a solid material, the openings or interstices in the material shall not be large enough to permit removal of items from the professional service area by any means. Any material used in the construction of the barrier shall be of sufficient strength and thickness that it cannot be readily or easily removed, penetrated, or bent. The plans and specifications of the barrier shall be submitted to the board for approval.

SECTION 4. Phar 6.04 (3) (a) 2. and 3. are repealed.

SECTION 5. Phar 6.04 (3) (a) 5. and 6. are renumbered Phar 6.04 (3) (bm) and (cm) and amended to read:

**Phar 6.04 (3) (a) 5.**(bm) Signs of reasonable size are posted at ~~the entrance of the building and~~ the professional service area which prominently displaying display the hours the pharmacist will ~~be on duty~~ professional services are available.

~~6.~~(cm) The manner in which the telephone is answered does not imply that the ~~location is, at that time, operating as a pharmacy~~ professional services are available.

SECTION 6. Phar 6.04 (3) (a) 7., (b) and (c) and (4) are repealed.

SECTION 7. Phar 7.04 (3) (intro.) is amended to read:

**7.04 (3) (intro.)** The transfer of original prescription information for a controlled substance listed in Schedule III – ~~IV~~V shall meet the following requirements:

SECTION 8. Chapter Phar 11 is repealed.

SECTION 9. Phar 12.04 is amended to read:

**Phar 12.04 Inspections.** Before a license is granted, an inspection of the establishment shall be conducted by the board or its representative to determine if the location meets ~~the standards in 21 USC 351 and 352 (1984) and 21 CFR 210 and 211 (1985)~~ federal and state laws and regulations.

SECTION 10. 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.

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(END OF TEXT OF RULE)  
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