



**VIRTUAL/TELECONFERENCE
PHARMACY EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Brad Wojciechowski (608) 266-2112
March 2, 2023

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 January 19, 2023 (5-15)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. 11:00 A.M. PUBLIC HEARING on EmR 2303 for Phar 1, 5, 7, 10, and 19 Relating to Registration of Pharmacy Technicians (16-26)**
 - 1) Review Public Hearing Comments
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Kleppin, Susan – 7/1/2025
 - b. O’Hagan, Tiffany – 7/1/2024
 - c. Peterangelo, Anthony – 7/1/2023
 - d. Walsh, Michael – 7/1/2024
 - e. Weiss, Shana – 7/1/2023
 - f. Weitekamp, John – 7/1/2026
 - g. Wilson, Christa – 7/1/2025
- F. 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**
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration (27)**
 - 1) Review of Draft Biennial Report Under S. 227.296, Wis. Stats. (28)

2) Pending or Possible Rulemaking Projects **(29)**

I. Education and Examination Matters- Discussion and Consideration

- 1) Multistate Pharmacy Jurisprudence Examination (MPJE) Update

J. Variances – Discussion and Consideration

- 1) Wisconsin Department of Health Services Variance Request

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

- 1) Travel Report: Multistate Pharmacy Jurisprudence Examination (MPJE) Item Writing Workshop (March 8-10, 2023)
2) Consideration of Attendance: 2023 Pharmacy Society of Wisconsin (PSW) Legislative Day – Thursday, March 30, 2023 – Madison, WI **(30-31)**

L. Pilot Program Matters – Discussion and Consideration

M. 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) Public Health Emergencies
- 13) Pilot Program Matters
- 14) Variances
- 15) Liaison Reports
- 16) Board Liaison Training and Appointment of Mentors
- 17) Informational Items
- 18) Division of Legal Services and Compliance (DLSC) Matters
- 19) Presentations of Petitions for Summary Suspension
- 20) Petitions for Designation of Hearing Examiner
- 21) Presentation of Stipulations, Final Decisions and Orders
- 22) Presentation of Proposed Final Decisions and Orders
- 23) Presentation of Interim Orders
- 24) Pilot Program Matters
- 25) Petitions for Re-Hearing
- 26) Petitions for Assessments
- 27) Petitions to Vacate Orders
- 28) Requests for Disciplinary Proceeding Presentations
- 29) Motions
- 30) Petitions
- 31) Appearances from Requests Received or Renewed
- 32) Speaking Engagements, Travel, or Public Relation Requests, and Reports

N. 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.).

O. Credentialing Matters

1) Application Reviews

- a. Tara Fakrhi – Foreign Trained Applicant **(32-72)**
- b. Crown Laboratories Inc – Wholesale Distributor Applicant **(73-154)**

P. Deliberation on Division of Legal Services and Compliance Matters

1) Administrative Warning

- a. 22 PHM 057 – E.S. **(155-156)**
- b. 22 PHM 057 – E.S.S.D.S. **(157-159)**
- c. 22 PHM 137 – A.S. **(160-161)**
- d. 22 PHM 144 – E.C.H. **(162-163)**

2) Case Closings

- a. 22 PHM 057 – E.S. **(164-168)**
- b. 22 PHM 030, 22 PHM 039, 22 PHM 052 – O.P. **(169-177)**
- c. 22 PHM 036 – R.B.M. **(178-181)**
- d. 22 PHM 054 – B.R.P. **(182-185)**
- e. 22 PHM 095 – W. **(186-191)**
- f. 22 PHM 108 – A.H.G. **(192-195)**
- g. 22 PHM 112 – P. **(196-204)**
- h. 22 PHM 133 – J.A.Y. **(205-210)**
- i. 22 PHM 137 – W. **(211-214)**
- j. 22 PHM 142 – C.V.S. **(215-218)**
- k. 22 PHM 144 – M.S. **(219-222)**
- l. 22 PHM 146 – A.R.P. **(223-227)**

3) Proposed Stipulation and Final Decision and Orders

- a. 22 PHM 019 – Jason D. North, R.Ph. **(228-233)**

Q. 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

R. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: APRIL 27, 2023

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
PHARMACY EXAMINING BOARD
MEETING MINUTES
JANUARY 19, 2023**

PRESENT: Susan Kleppin, Tiffany O’Hagan, Anthony Peterangelo, John Weitekamp, Michael Walsh, Christa Wilson (*arrived at 9:25 a.m.*)

EXCUSED: Shana Weiss

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department staff

CALL TO ORDER

John Weitekamp, Chairperson, called the meeting to order at 9:02 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 1, 2022 AND DECEMBER 21, 2022

December 1, 2022

MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to approve the Minutes of December 1, 2022 as published. Motion carried unanimously.

December 21, 2022

MOTION: Michael Walsh moved, seconded by Tiffany O’Hagan, to approve the Minutes of December 21, 2022 as published. Motion carried unanimously.

Christa Wilson arrived at 9:25 a.m.

ADMINISTRATIVE RULE MATTERS

Pending or Possible Rulemaking Projects

MOTION: Tiffany O’Hagan moved, seconded by Michael Walsh, to request DSPS staff draft a Scope Statement revising Phar 8, relating to controlled substances prescription requirements. Motion carried unanimously.

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to designate Tiffany O’Hagan to advise DSPS Staff on revising Phar 8, relating to controlled substances prescription requirements. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Anthony Peterangelo nominated the 2022 slate of officers to continue in 2023. All officers accepted their nominations.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	John Weitekamp
Vice Chairperson	Tiffany O'Hagan
Secretary	Susan Kleppin

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Anthony Peterangelo, Tiffany O'Hagan, Christa Wilson
Education and Examinations Liaison(s)	Susan Kleppin <i>Alternate:</i> John Weitekamp
Monitoring Liaison(s)	Christa Wilson, Michael Walsh <i>Alternate:</i> Anthony Peterangelo
Professional Assistance Procedure (PAP) Liaison(s)	Anthony Peterangelo <i>Alternate:</i> Susan Kleppin
Travel Authorization Liaison	Chairperson <i>Alternate:</i> Vice Chairperson
Legislative Liaison(s)	Anthony Peterangelo, Tiffany O'Hagan, John Weitekamp
Pilot Program Liaison(s)	Tiffany O'Hagan, Anthony Peterangelo
Newsletter Liaison(s)	Christa Wilson <i>Alternate:</i> John Weitekamp

Website Liaison(s)	Michael Walsh
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)	John Weitekamp
PHARM Rep to SCAODA	Susan Kleppin <i>Alternate: John Weitekamp</i>
Variance Liaison	Tiffany O’Hagan <i>Alternate: Anthony Peterangelo</i>
SCREENING PANEL APPOINTMENTS	
Screening Panel	John Weitekamp, Tiffany O’Hagan, Michael Walsh <i>Alternate: Anthony Peterangelo</i>
COMMITTEE MEMBER APPOINTMENTS	
Pharmacy Rules Committee	Susan Kleppin, Tiffany O’Hagan, Anthony Peterangelo, John Weitekamp

Delegation of Authorities

Document Signature Delegations

MOTION: Michael Walsh moved, seconded by Tiffany O’Hagan, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Tiffany O’Hagan moved, seconded by Michael Walsh, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Anthony Peterangelo moved, seconded by Tiffany O’Hagan, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to delegate the review and authority to act on disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Michael Walsh moved, seconded by Christa Wilson, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 19, 2023 agenda materials on pages 22-24. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Michael Walsh moved, seconded by Tiffany O'Hagan, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Michael Walsh moved, seconded by Christa Wilson, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Christa Wilson moved, seconded by Anthony Peterangelo, to delegate authority to Department Attorneys to review and approve applications with municipal/ordinance violations and misdemeanors which are not substantially related to the practice of pharmacy. Motion carried unanimously.

Delegation to DSPS When Applicant's Discipline History Has Been Previously Reviewed

MOTION: Michael Walsh moved, seconded by Susan Kleppin, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous pharmacy credential and there is no new discipline. Motion carried unanimously.

Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous pharmacy credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the applicant met requirements comparable to those that existed in this state at the time the person became licensed in the other state. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.
3. To close at prescreening complaints that the Board has already reviewed and acted upon that are the result of multiple-state discipline based on original violations.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Michael Walsh moved, seconded by Christa Wilson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Christa Wilson moved, seconded by Michael Walsh, to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education, and examinations. Motion carried unanimously.

Pilot Program Liaison(s) Delegation

MOTION: Christa Wilson moved, seconded by Anthony Peterangelo, to delegate authority to the Pilot Program Liaison(s) to address all issues related to pilot program matters. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Michael Walsh moved, seconded by Christa Wilson, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Christa Wilson moved, seconded by Michael Walsh, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Rules Committee Delegation

MOTION: Susan Kleppin moved, seconded by Christa Wilson, to grant the Rules Committee the ability to address all rulemaking as related to drafting and making recommendations to the full Board. Motion carried unanimously.

Committee Membership Delegation

MOTION: Tiffany O'Hagan moved, seconded by Christa Wilson, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to appoint members to its committees between meetings as necessary. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Michael Walsh moved, seconded by Susan Kleppin, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Christa Wilson moved, seconded by Tiffany O'Hagan, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Newsletter Liaison(s) Delegation

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to delegate authority to the newsletter liaison(s) to handle all matters relating to newsletters. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Susan Kleppin moved, seconded by Christa Wilson, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

SCAODA Representative Delegation

MOTION: Anthony Peterangelo moved, seconded by Christa Wilson, to authorize the SCAODA representative to vote on behalf of the Board at the State Council on Alcohol and Other Drug Abuse meetings. Motion carried unanimously.

Variance Liaison(s) Delegation

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to delegate to the Variance Liaison(s) the Board's authority to approve, rescind, and modify variances under §450.02(3m). Motion carried unanimously.

CREDENTIALING MATTERS

Review of Pharmacy Forms

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to designate the Chairperson to review and approve DSPS forms. Motion carried unanimously.

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

NABP 119th Annual Meeting – Nashville, TN – May 10-12, 2023

MOTION: Anthony Peterangelo moved, seconded by Susan Kleppin, to designate Tiffany O'Hagan, as the Board's delegate, and John Weitekamp as the Board's alternate delegate, to attend the NABP 119th Annual Meeting on May 10-12, 2023 in Nashville, TN. Motion carried unanimously.

CLOSED SESSION

MOTION: Michael Walsh moved, seconded by Christa Wilson, 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: Susan Kleppin-yes; Tiffany O'Hagan-yes; Anthony

Peterangelo-yes; Michael Walsh-yes; John Weitekamp-yes; and Christa Wilson-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:25 a.m.

CREDENTIALING MATTERS

McKesson Medical-Surgical – Wholesale Distributor Applicant

MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to approve the Wholesale Distributor application of McKesson Medical-Surgical, once all requirements are met. Motion carried unanimously.

PETNET Solutions, Inc. – Pharmacy Out-of-State Application

MOTION: Susan Kleppin moved, seconded by Christa Wilson, to approve the Pharmacy Out-of-State application of PETNET Solutions, Inc., once all requirements are met. Motion carried unanimously.

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

Administrative Warnings

21 PHM 109 – M.J.M.

MOTION: Christa Wilson moved, seconded by Tiffany O’Hagan, to issue an Administrative Warning in the matter of M.J.M., DLSC Case Number 21 PHM 109. Motion carried unanimously.

(Anthony Peterangelo recused himself and left the room for deliberation and voting in the matter concerning M.J.M., DLSC Case Number 21 PHM 109.)

Case Closings

21 PHM 108 – C.P.

MOTION: Michael Walsh moved, seconded by Christa Wilson, to close DLSC Case Number 21 PHM 108, against C.P., for Insufficient Evidence. Motion carried unanimously.

(Anthony Peterangelo recused himself and left the room for deliberation and voting in the matter concerning C.P., DLSC Case Number 21 PHM 108.)

Administrative Warnings

21 PHM 077 – W.

MOTION: Michael Walsh moved, seconded by Susan Kleppin, to issue an Administrative Warning in the matter of W., DLSC Case Number 21 PHM 077. Motion carried unanimously.

Case Closings

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

1. 21 PHM 051 – W. – No Violation
2. 22 PHM 038 – U.H.C. – No Violation
3. 22 PHM 040 – G.L. – No Violation

Motion carried unanimously.

Proposed Stipulations and Final Decisions and Orders

21 PHM 051 – Kristina L. Goranova, R.Ph.

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kristina L. Goranova, R.Ph., DLSC Case Number 21 PHM 051. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 12:06 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Anthony Peterangelo moved, seconded by Tiffany O’Hagan, 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: Anthony Peterangelo moved, seconded by Susan Kleppin, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:07 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 02/21/23 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: 03/02/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 11:00 A.M. Public Hearing on EmR 2303 for Phar 1, 5, 7, 10, and 19 Relating to Registration of Pharmacy Technicians 1. Review Public Hearing Comments	
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: N/A	
10) Describe the issue and action that should be addressed: The Board will hold a public hearing on this Emergency Rule as required by the rulemaking process.			
11) Authorization			
Signature of person making this request 		Date 02/21/23	
Supervisor (if required) Brad Wojciechowski (approved via email)		Date 02/21/23	
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 052-22, was approved by the Governor on June 13, 2022, published in Register 798B on June 27, 2022, and approved by the Pharmacy Examining Board on July 8, 2022. This emergency rule was approved by the Governor on January 26, 2023.

ORDER

An order of the Pharmacy Examining Board to amend Phar 1.01, 1.02 (intro), 1.02 (Note), 7.07 (2), 7.14 (2), (2) (b), (2) (c) 3. and 6., (2) (d) 1. and 2., (2) (e), (3) (a) and (b), (4) (a), (b), (c), and (d), (5), (6) (a) 1. and 2, 7.43 (7), ch. Phar 7 subch. V (title), 7.62 (title), (1), (2), (3) (intro.), (5), (6), and (7), 10.03 (2), (17), and (19); create Phar 1.01 (11m), 5.07, 7.60 (intro.) and (3), and ch. Phar 19; and repeal Phar 7.14 (2) and 7.62 (3) (a) to (d), relating to registration of pharmacy technicians.

Analysis prepared by the Department of Safety and Professional Services.

EXEMPTION FROM FINDING OF EMERGENCY

The Legislature by section 40 (1) of 2021 Wisconsin Act 100 provides an exemption from a finding of emergency for the adoption of the rule.

ANALYSIS

Statutes interpreted: s. 450.68, Stats.

Statutory authority: ss. 15.08 (5) (b), 450.02 (3) (a), (d), and (e). Stats, and 2021 Wisconsin Action 100 s. 40 (1)

Explanation of agency authority:

Section 15.08 (5) (b), Stats. states that “The 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) (a), Stats. allows the board to “promulgate rules relating to the manufacture of drugs and the distribution and dispensing of prescription drugs.”

Section 450.02 (3) (d), Stats. says that the board “may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961.”

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

2021 Wisconsin Act 100, Section 40 (1) provides: “The pharmacy examining board may promulgate emergency rules under s. 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until May 1, 2024, or the date on which permanent rules take effect, whichever is sooner.”

Related statute or rule: s. 961.31, Stats.

Plain language analysis: The objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 100.

Summary of, and comparison with, existing or proposed federal regulation: The practice of pharmacy is not regulated by the federal government and Wisconsin has its own controlled substances schedules. However, the federal government does regulate federally controlled substances and the vast majority of Wisconsin controlled substances are also federally controlled substances. Title 21 CFR Chapter II governs federally scheduled controlled substances, including: registration of manufacturers, distributors and dispensers of controlled substances; prescriptions; orders for schedule I and II controlled substances; requirements for electronic orders and prescriptions; and disposal.

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Pharmacy in Illinois, with input from the Illinois Board of Pharmacy. The Illinois Pharmacy Practice Act contains requirements for licensure of registered pharmacy technicians, as well as for pharmacists and pharmacies. Registered pharmacy technicians in Illinois have to be at least 16 years old, is attending or has graduated from high school or has a high school equivalency certificate and must complete the requirements to become a licensed registered certified pharmacy technician. A licensed registered certified pharmacy technician must be at least 18 and as of January 1, 2024, have graduated from a pharmacy technician training program or obtained documentation from the pharmacist-in-charge at the pharmacy where they are employed that they have successfully completed a nationally accredited training program. [225 Illinois Compiled Statutes ch. 85 s. 9 and 9.5]. The Illinois Department of Financial and Professional Regulation is also responsible for the promulgation of rules to implement certain sections of the Illinois Pharmacy Practice Act. These rules in the Illinois Administrative Code include application requirements for both registered and registered certified pharmacy technicians, as well as rules for their training and education [Illinois Administrative Code s. 1330.200-1330.220].

Iowa: The Iowa Board of Pharmacy is responsible for the licensure and regulation of Pharmacy practice in Iowa. Title IV Chapter 155A of the Iowa Code includes the statutory requirements for pharmacy technician registration, licensure of pharmacists and pharmacies, and prescription drug orders, among other requirements. In Iowa pharmacy technicians must register with the Iowa Board and the responsibility for their actions is with the licensed pharmacist who is supervising them [Iowa Code ch.155A s.6A]. The Iowa Pharmacy Practice Act rules are contained the Iowa Administrative Code and also include requirements for pharmacy technicians. Among those requirements, the chapter includes registration procedures, training, delegation and practice, national certification, as well as unethical conduct and discipline [657 Iowa Administrative Code ch. 3].

Michigan: The Michigan Board of Pharmacy is responsible for the licensure and regulation of pharmacy practice in Michigan. Act 368 Article 15 Part 177 of the Michigan Compiled Laws includes the regulations for pharmacy in Michigan, among several other occupations. Also included in those regulations are the statutory requirements for licensure and practice of pharmacy technicians. [Michigan Compiled Laws s. 333.17739]. The Michigan Administrative Rules also include requirements for pharmacy technicians administered by the Michigan Department of Licensing and Regulatory Affairs in conjunction with the Michigan Board. These rules include licensure, examination, training, and approved education program requirements for pharmacy technicians [Michigan Administrative Rules R 338.3561-338.3665].

Minnesota: The Minnesota Board of Pharmacy is responsible for the licensure and regulation of pharmacy practice in Minnesota. Part 6800 of the Minnesota Administrative Code includes the regulations for pharmacy in Minnesota. These rules include requirements for pharmacy technician registration, education, training, and supervision [Minnesota Administrative Rules part 6800.3850]. Chapter 151 of the Minnesota Statutes, or the Pharmacy Practice and Wholesale Distribution Act, also includes pharmacy regulations and requirements for pharmacy technicians. This statute specifically clarifies the nature of the supervisory relationship of the pharmacist to the technician, as well as how many technicians each individual pharmacist may supervise. [Minnesota Statutes 151.102].

Summary of factual data and analytical methodologies: The Board reviewed the statutory changes from 2021 Wisconsin Act 100 and updated Wisconsin Administrative Code Chapters Phar 1, 5, 7, 10 and 19 accordingly.

Fiscal Estimate: The Fiscal Estimate will be attached upon completion.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, 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 on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Phar 1.01, 1.02 (intro.), and 1.02 (Note) are amended to read:

Phar 1.01 Authority. Rules in chs. Phar 1 to ~~1719~~ are adopted under authority of ss. 15.08 (5) (b), 227.11 (2), Stats, and ch. 450, Stats.

Phar 1.02 (intro.) As used in ch. Par 1 to ~~1719~~.

Phar 1.02 (Note) The board office is located at ~~1400 East Washington Avenue~~ 4822 Madison Yards Way Madison, WI ~~53702~~53705.

SECTION 2. Phar 1.01 (11m) is created to read:

Phar 1.01 (11m) “Pharmacy technician” means a person registered by the board under s. 450.068, Stats.

SECTION 3. Phar 5.07 is created to read:

Phar 5.07 Pharmacy Technicians. (1) All requirements for renewal and reinstatement of a pharmacy technician registration are specified in chapter Phar 19.

(2) No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is eligible to be registered as a pharmacy technician.

SECTION 4. Phar 7.07 (2); 7.14 (title); 7.14 (1) (a), (b) and (d); and 7.14 (2) are amended to read:

Phar 7.07 (2) For all prescription drug product or device dispensing, the prescription record shall identify the pharmacist responsible for each part of the final check. If sub. (1) (a) or (b) is completed by ~~delegate-check-delegate pharmacy product verification technician~~ under s. Phar 7.14 or automated technology under s. Phar 7.55, the prescription record shall identify the ~~delegate-pharmacy product verification technician~~ performing the check.

Phar 7.14 (title) ~~Delegate-check-Delegate Pharmacy Product Verification Technician-check-Pharmacy Technician.~~

(1) (a) “Delegate Pharmacy product verification technician” means a ~~person~~ registered pharmacy technician to whom the pharmacist has delegated the task of product verification.

(1) (b) “~~Delegate-check-delegate Pharmacy product verification technician-check-pharmacy technician~~” means the process in which ~~one~~ delegate a pharmacy product verification technician conducts the task of product verification of technical dispensing functions completed by ~~an unlicensed individual~~ a pharmacy technician. A delegate pharmacy product verification technician may not conduct product verification as part of the final check of their own product preparation.

(1) (d) ““Supervising pharmacist” means the pharmacist licensed in this state, who is responsible for the operations and outcomes of product verification done by a delegate pharmacy product verification technician and ensuring for direct supervision of the delegate pharmacy product verification technician.”

(2) DELEGATE PHARMACY PRODUCT VERIFICATION TECHNICIAN QUALIFICATIONS. A pharmacist may delegate the product verification of a prescription or chart order to a delegate pharmacy technician who meets all of the following:

SECTION 5. Phar 7.14 (2) (a) is repealed.

SECTION 6. Phar 7.14 (2) (b), (2) (c) 3. and 6., (2) (d) 1. and 2., and (2) (e); 7.14 (3) (a) and (b); 7.14 (4) (a), (b), (b) 1., (c), and (d); 7.14 (5); and 7.14 (6) (a) 1. and 2. are amended to read:

Phar 7.14 (2) (b) Completed an accredited pharmacy technician training program or has a minimum of 500 hours of experience in product selection, labeling and packaging.

(2) (c) 3. Eligible ~~medications~~ products for ~~delegate-check-delegate pharmacy product verification technician-check-pharmacy technician~~.

(2) (c) 6. A practical training designed to assess the competency of the delegate pharmacy technician prior to starting the validation process. The practical training shall include simulation of at least 2 occurrences of each of the following:

(2) (d) 1. The ~~delegate~~ pharmacy technician being validated shall make a product verification on the work of a pharmacist or ~~unlicensed person~~ another pharmacy technician for accuracy and correctness of a minimum of 500 product verifications over a minimum of 5 separate days and achieve an accuracy rate of at least 99.8%.

(2) (d) 2. A pharmacist shall audit 100% of the product verifications made by the ~~delegate~~ pharmacy technician during the validation process.

(2) (e) Notwithstanding pars. (a) (b) to (d), a ~~delegate~~ an individual who completed the board's pilot program validation process between October 1, 2016 and September 30, 2019, meets the ~~delegation~~ pharmacy product verification technician qualifications unless the ~~delegate~~ individual fails to meet the quality assurance standards under sub. (4).

(3) (a) *Institutional pharmacies.* The ~~delegate~~ pharmacy product verification technician may do the product verification in an institutional pharmacy if all of the following requirements are met:

(3) (b) *Community pharmacies.* The ~~delegate~~ pharmacy product verification technician may do the product verification in a community pharmacy if all of the following requirements are met:

(4) (a) A minimum of 5% of each ~~delegate's~~ pharmacy product verification technician's verifications shall be audited by a licensed pharmacist. The accuracy of each ~~delegate~~ pharmacy product verification technician shall be tracked individually.

(4) (b) A record of each ~~delegate-check~~ delegate pharmacy product verification technician-check-pharmacy technician audit shall include all of the following:

(4) (b) 1. Name of the pharmacy product verification ~~delegate~~ technician.

(4) (c) On a quarterly basis, the supervising pharmacist shall perform an assessment of each ~~delegate's~~ pharmacy product verification technician's previous 12 months accuracy and correctness of ~~delegate-check~~ delegate pharmacy product verifications including a review of the quality assurance log.

(4) (d) A ~~delegate~~ pharmacy product verification technician shall be revalidated if the ~~delegate~~ individual fails to maintain a product verification accuracy rate of 99.8% based on the quarterly assessment of the previous 12 months or has not performed ~~delegate-check~~ delegate product verifications within the last 6 months.

(5) POLICIES AND PROCEDURES. Each pharmacy shall maintain policies, procedures, and training materials for the ~~delegate-check~~ delegate pharmacy product verification by technicians which shall be made available to the board upon request.

(6) (a) 1. All validation records of each ~~delegate~~ pharmacy product verification technician that include the dates that the validation occurred, the number of product verifications performed, the number of product verification errors, and overall accuracy rate.

2. Documentation indicating accepting responsibility for compliance with this section, signed and dated by both the managing pharmacist and supervising ~~delegate-check-~~ ~~delegate~~ pharmacist, indicating the name of the supervising ~~delegate-check-~~ ~~delegate~~ pharmacist, and the dates the supervision responsibilities begin and end.

SECTION 7. Phar 7.43 (7) is amended to read:

Phar 7.43 (7) DELEGATE REQUIREMENTS. A person engaged in the practice of pharmacy under s. 450.03 (1) (f), (g), (gm), or (i), Stats., shall meet the following requirements to remote dispense:

SECTION 8. chapter Phar 7 subchapter V (title) is amended to read:

Subchapter V – Unlicensed Persons Pharmacy Staff

SECTION 9. Phar 7.60 (intro) and (3) are created to read:

Phar 7.60 Definitions. In this subchapter:

Phar 7.60 (3) “Pharmacy staff” means any staff practicing in the pharmacy who are not otherwise licensed or registered under s. 450.03 (1) (f), (g), or (gm), Stats.

SECTION 10. Phar 7.62 (title), (1), (2), (3), (3) (intro.) are amended to read:

Phar 7.62 (title) Unlicensed ~~persons~~ Pharmacy staff.

Phar 7.62 (1) This section does not apply to a person practicing pharmacy under s. 450.03 (1) (f), (g) or (gm), Stats.

Phar 7.62 (2) A pharmacist shall provide ~~general~~ direct supervision of unlicensed ~~personnel~~ pharmacy staff. A pharmacist shall be available to the unlicensed pharmacy staff person for consultation either in person or contact by telecommunication means.

Phar 7.62 (3) An unlicensed pharmacy staff person may not ~~do any of the following:~~ engage in the practice of pharmacy as defined in s. 450.01 (16), Stats., or the practice of a pharmacy technician as defined in Phar 19.02.

SECTION 11. Phar 7.62 (3) (a) to (d) are repealed.

SECTION 12. Phar 7.62 (5), (6), and (7) are amended to read:

Phar 7.62 (5) A managing pharmacist shall provide training to or verify competency of an unlicensed pharmacy staff person prior to the unlicensed pharmacy staff person performing a delegated act.

Phar 7.62 (6) The managing pharmacist shall determine which acts may be delegated in a pharmacy. The managing pharmacist has a duty to notify all pharmacists practicing in that pharmacy which acts may be delegated to specific unlicensed ~~persons~~ pharmacy staff. This record shall be provided to the board upon request.

Phar 7.62 (7) A pharmacist may delegate to an unlicensed pharmacy staff person any delegated act approved by the managing pharmacist pursuant to sub. (3).

SECTION 13. Phar 10.03 (2), (17), and (19) are amended to read:

Phar 10.03 (2) Engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist or pharmacy technician which harmed or could have harmed a patient;

(17) Having a pharmacist license or pharmacy technician registration revoked or suspended in another state or United States jurisdiction or having been subject to other disciplinary action by the licensing authority thereof;

(19) Practicing without a current license or registration.

SECTION 14. Chapter Phar 19 is created to read:

Chapter Phar 19

REGISTRATION OF PHARMACY TECHNICIANS

Phar 19.01 Registration. (1) No person may engage in the practice of a pharmacy technician or use the title “pharmacy technician” or “pharmacy tech” unless the person is registered as a pharmacy technician by the Board.

(2) A person applying for a pharmacy technician registration shall satisfy all of the following:

(a) Submit a completed application form.

Note: Instructions for applications are available on the department of safety and professional services’ website at <http://dsps.wi.gov>.

(b) Pay the fee determined by the Department under s. 440.05 (1), Stats.

(c) Subject to ss. 111.321, 111.322, and 111.335, stats., the applicant does not have an arrest or conviction record.

(d) The applicant satisfies one of the following:

1. Is at least 18 years of age and has graduated from high school or has attained high school graduation equivalency as determined by the department of public instruction.
 2. Is enrolled in a youth apprenticeship program for pharmacy technicians that is on the list of youth apprenticeship programs approved by the department of workforce development under s. 106.13 (2m), Stats.
- (3) A person who has applied for a registration as a pharmacy technician and whose practice as a pharmacy technician is limited to performing duties under the direct supervision of a person licensed as a pharmacist by the board and during the period before which the board takes final action on the persons application may practice as a pharmacy technician.

Phar 19.02 Scope of Practice. A pharmacy technician may administer vaccines as authorized under s. 450.035 (2h), Stats., perform technical dispensing functions, compounding, packaging, labeling and storage, pharmacy and inventory management, and other activities involved in the practice of pharmacy delegated by a pharmacist. A pharmacy technician may not perform any of the following:

- (1) Except as allowed under Phar 7.14, provide the final verification for the accuracy, validity, completeness, or appropriateness of the filled prescription or medication order.
- (2) Complete the drug utilization review under s. Phar 7.03.
- (3) Administer any prescribed drug products, or devices under s. 450.035 (1t), Stats.
- (4) Provide patient specific counseling or consultation.
- (5) Make therapeutic alternate drug selections.
- (6) Provide supervision to other pharmacy technicians or pharmacy support personnel.

Phar 19.03 Renewal and Reinstatement. (1) RENEWAL.

- (a) A person with an expired pharmacy technician registration may not reapply for a registration using the initial application process.
- (b) A person renewing their pharmacy technician registration shall do all of the following:
 1. Submit a completed renewal application.
Note: Instructions for renewal applications are available on the department of safety and professional services' website at <http://dsps.wi.gov>.
 2. Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats. and any applicable late renewal fee.
- (c) Notwithstanding sub. (b), if a pharmacy technician fails to obtain renewal on or before the applicable renewal date, the board may suspend the pharmacy technician's registration.

(2) REINSTATEMENT. A registration holder who has unmet disciplinary requirements and failed to renew the registration within 5 years or whose registration has been surrendered or revoked may apply to have the registration reinstated in accordance with all of the following:

- (a) Evidence of completion of the requirements under s. 19.02 (2).
- (b) Evidence of completion of any disciplinary requirements.


Phar 19.04 Change of Address, Employer, or Name. Pursuant to ss. 440.11 (1) and 450.068 (3), each pharmacy technician shall notify the department of an address change or change of employer within 10 days of the change, and a name change within 30 days of the change.

Note: Instructions for providing notification of address change, change of employer, or a name change are available on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 15. Pursuant to 2021 Wisconsin Act 100 section 40 (1), this emergency rule shall take effect upon publication in the official state newspaper and remain in effect until May 1, 2024 or until the date on which permanent rules take effect, whichever is sooner.

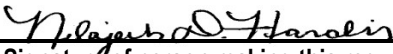
(END OF TEXT OF RULE)

Dated 12/28/2022

Agency 
Chairperson
Pharmacy Examining Board


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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 02/21/23 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: 03/02/23	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. Pending or 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 Appearance Request for Non-DSPS Staff)</i> <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: Attachments: 1. Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
 Signature of person making this request		02/21/23 Date	
Supervisor (if required) Brad Wojciechowski (approved via email)		Date 02/21/23	
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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 02/02/2023 <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: 03/02/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1) Review of Draft Biennial Report under S. 227.29, Wis. Stats.	
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 <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: <Click Here to Add Description>			
11) Authorization			
		02/02/2023	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			

**Pharmacy Examining Board
Rule Projects (updated 02/21/23)**

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
Not Assigned Yet	052-22	12/27/2024	Phar 1, 5, 7, 10, and 19	Registration of Pharmacy Technicians	Emergency Rule Public Hearing Held at 03/02/23 Meeting; Emergency Rule Effective 02/03/23-05/01/24	Drafting Permanent Rule
Not Assigned Yet (EmR 2213)	053-22	12/27/2024	Phar 1, 5, 6, 7 and 8	Remote Dispensing	Drafting Permanent Rule; Emergency Rule Effective 11/01/22-05/01/24	Board Approval of Preliminary Permanent Rule Draft
Not Assigned Yet	137-20	4/19/2023	Phar 1, 6, 7, 8, 12, 13	Electronic Track and Trace Pedigree System, Drug Supply Chain Security, Manufacturers, and Distributors	Project Will be Allowed to Expire	New Scope Statement if Needed after Updates to Drug Supply Chain Security Act in 2023
21-074	079-20	12/22/2022	Phar 5, 6, 7, 11, 12	Name and Address Change, Floor Design, Procedures for Disciplinary Proceedings, Superseded References, and Technical Correction	Legislative Review	Board Review of Adoption Order at a Future Meeting
Not Assigned Yet	102-21	05/01/2024	Phar 7 and 10	Consumer Disclosures	Ready for Submission to Clearinghouse for Review	Public Hearing Anticipated for either April or June Meeting
Not Assigned Yet	007-23	07/23/2025	Phar 15	Compounding Pharmaceuticals	Drafting	Board Review and Approval of Preliminary Rule Draft
Not Assigned Yet	097-21	04/18/2024	Phar 18	Third Party Logistics Providers	Ready for Submission to Clearinghouse for Review	Public Hearing Anticipated for either April or June Meeting

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 02/17/2023 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: 03/02/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Requests and Reports 1) 2023 PSW Legislative Day, Thursday, March 30, 2023 – Madison, WI	
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 <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: <Click Here to Add Description>			
11) Authorization			
<NAME>		<Date: M/D/YYYY>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			



February 17, 2023

John Weitekamp, Chair
Wisconsin Pharmacy Examining Board
Department of Safety and Professional Services
4822 Madison Yards Way
Madison, WI 53705

RE: Speaking Invitation: PSW Legislative Day – March 30, 2023

Dear Chairman Weitekamp,

The Pharmacy Society of Wisconsin (PSW) is hosting its annual Legislative Day on Thursday, March 30, 2023 in Madison, Wisconsin. We anticipate an attendance of over 300 pharmacists, pharmacy technicians, and pharmacy students. The agenda will include a discussion of several pharmacy-related legislative and regulatory priorities.

On behalf of the Board of Directors and staff of the Pharmacy Society of Wisconsin, I would like to invite you and other members of the Pharmacy Examining Board to attend our Legislative Day and address our members. They would appreciate hearing a regulatory update from Pharmacy Examining Board members.

The details of the day are as follows:

Date: Thursday, March 30, 2023

Location: Monona Terrace Convention Center, 1 John Nolen Drive, Madison, WI

Requested Speaking Time: 10:30 to 11:15 a.m.

Please let me know at your convenience if you will be able to join us, and please do not hesitate to contact me at dwomack@pswi.org or 608-827-9200 with any questions. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in dark grey ink that reads "Danielle Womack". The signature is written in a cursive, flowing style.

Danielle M. Womack, MPH
Vice President, Public Affairs
Pharmacy Society of Wisconsin