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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz  
*Clearinghouse Director*

Terry C. Anderson  
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Jessica Karls-Ruplinger  
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### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

### CLEARINGHOUSE RULE **18-022**

AN ORDER to create CSB 2.60, relating to scheduling of FUB-AMB.

Submitted by **CONTROLLED SUBSTANCES BOARD**

04-13-2018 RECEIVED BY LEGISLATIVE COUNCIL.

05-09-2018 REPORT SENT TO AGENCY.

MSK:BL

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☐

NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☐

NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

NO ☒



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#### CLEARINGHOUSE RULE **18-023**

AN ORDER to create CSB 2.59, relating to scheduling of ortho-fluorofentanyl.

Submitted by **CONTROLLED SUBSTANCES BOARD**

04-13-2018 RECEIVED BY LEGISLATIVE COUNCIL.

05-08-2018 REPORT SENT TO AGENCY.

SG:SM

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

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## 1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐NO ☒

## 2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☐NO ☒

## 3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐NO ☒4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐NO ☒

## 5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☐NO ☒6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐NO ☒

## 7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐NO ☒



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### CLEARINGHOUSE RULE **18-024**

AN ORDER to create CSB 2.58, relating to excluding from scheduling naldemine.

Submitted by **CONTROLLED SUBSTANCES BOARD**

04-13-2018 RECEIVED BY LEGISLATIVE COUNCIL.

05-09-2018 REPORT SENT TO AGENCY.

MSK:BL

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Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☐

NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☐

NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

NO ☒

# **Controlled Substances Board**

## **2018 Annual Report**

### **I. Membership**

Statutory membership of the Board:

1. A psychiatrist (appointed by the Governor)
2. A pharmacologist (appointed by the Governor)
3. Chair of the Pharmacy Examining Board or designee
4. Chair of the Board of Nursing or designee
5. Chair of the Dentistry Examining Board or designee
6. Chair of the Medical Examining Board or designee
7. State Attorney General or designee
8. Secretary of the Department of Agriculture, Trade & Consumer Protection or designee
9. Secretary of the Department of Health and Family Services or designee

Present members of the Board:

1. Subhadeep Barman, Psychiatrist
2. Alan Bloom, Pharmacologist member
3. Philip Trapskin, Pharmacy Examining Board
4. Peter Kallio, Board of Nursing
5. Leonardo Huck, Dentistry Examining Board
6. Tim Westlake, Medical Examining Board
7. Tina Virgil, Department of Justice
8. Yvonne M. Bellay, Department of Agriculture, Trade & Consumer Protection
9. Doug Engelbert, Department of Health and Family Services

### **II. The Wisconsin enhanced Prescription Drug Monitoring Program (WI ePDMP).**

The WI ePDMP is a tool to help combat the ongoing prescription drug abuse epidemic in Wisconsin. By providing valuable information about controlled substance prescriptions that are dispensed in the state, it aids healthcare professionals in their prescribing and dispensing decisions. The WI ePDMP also fosters the ability of pharmacies, healthcare professionals, law enforcement agencies, and public health officials to work together to reduce the misuse, abuse, and diversion of prescribed controlled substance medications.

### Overview

- The Wisconsin PDMP first became available in 2013.
- The **new** customized system (WI ePDMP) was launched in January of 2017.
- The WI ePDMP is considered by National Alliance of Model State Drug Laws (NAMSDL) as a model of a “PDMP of the Future.”
- The WI ePDMP is connected, via the National Association of Boards of Pharmacy Prescription Monitoring Program Interconnect (PMPi), to 15 other states, including Minnesota, Illinois, Michigan and Iowa, allowing healthcare professionals to access dispensing data beyond Wisconsin.

### Use as a Comprehensive Tool

- The WI ePDMP is a customizable system and it has become more than a standard PDMP. It provides:
  - a. clinical decision support
  - b. prescribing practice assessment for both prescribers and medical coordinators
  - c. a communication tool between healthcare providers and law enforcement
  - d. the Public Statistic Dashboard, which makes critical data available to the community for monitoring and addressing the opioid public health crisis.
- Instead of simply displaying a list of dispensing records to users, the WI ePDMP has dynamic visualizations that provide concerning patient history alerts, which alert providers to patients with increased overdose risks, such as high opioid dosage levels or overlapping benzodiazepine and opioid prescriptions, or potential misuse or diversion, such as early refills and law enforcement alerts.
- As of April 2018, eleven health systems in Wisconsin have integrated the WI ePDMP directly into their Electronic Health Record (EHR) allowing one-click access to ePDMP records. One user recently shared with DSPS that this was the most valuable single click added to his workflow in 2017.

### Effectiveness

- **Daily Patient Queries** - Prior to the HOPE legislation requiring prescribers to check the PDMP and prior to the development of the WI ePDMP, the PDMP was searched by users approximately 5000 times per day.
- Post implementation of 2015 Wisconsin Act 266 in April 2017, the WI ePDMP sees as many as 35,000 user searches per day.

### 2017 Trends

- 15% decrease from Q1 to Q4 of 2017 in the number of opioid prescriptions dispensed in Wisconsin
- 50% decrease from Q1 to Q4 of 2017 in number of WI ePDMP alerts for patients with multiple same day prescriptions
- 24% decrease from Q1 to Q4 of 2017 in number of WI ePDMP alerts for patients with multiple prescribers/pharmacies



- 22% decrease from Q1 to Q4 of 2017 in number of WI ePDMP alerts for patients with a daily opioid dose over 90 morphine milligram equivalents

### **III. Drug Scheduling**

The Controlled Substances Board may add substances to or delete or reschedule substances listed in the schedules of chapter 961.

#### Scheduling

The Controlled Substances Board took the following scheduling actions in 2017:

Added to Schedule I:

- AB-CHMINACA
- AB-PINACA,
- THJ-2201,
- MAB-CHMINACA,
- 4-MePPP,
- a-PBP,
- acryl fentanyl,
- 5f-ADB,
- 5F-AMB,
- ADB-FUBINACA,
- MDMB-CHMICA,
- MDMB-FUBINACA,
- 4-fluoroisobutyl fentanyl,
- ortho-fluorofentanyl
- FUB-AMB

Added to Schedule II:

- oral solutions containing dronabinol

Excluded from scheduling:

- naldemedine

#### Scheduling Information

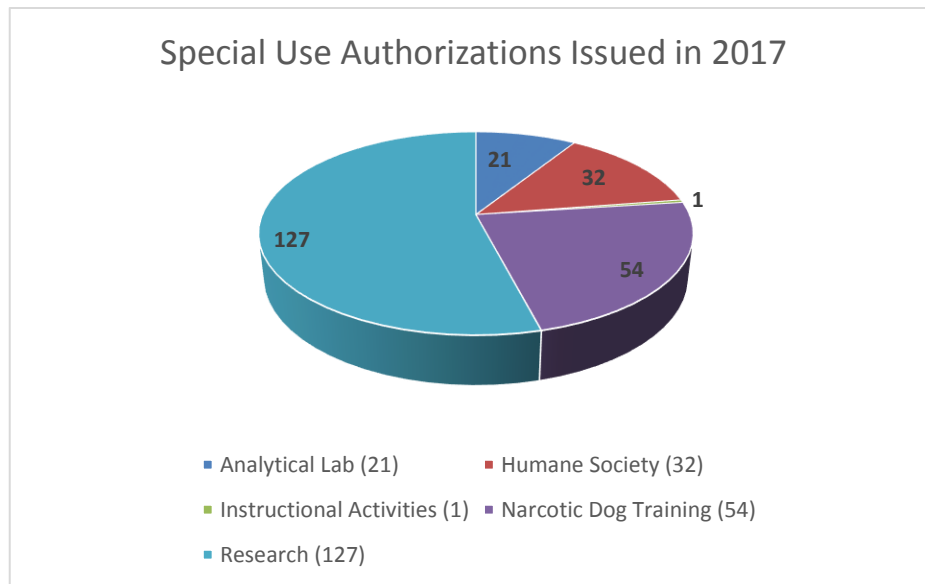
The Board received information related to scheduling in 2017 from:

- Milwaukee Medical Examiner
- Janesville Police Department
- Wisconsin Crime Lab

### **IV. Special Use Authorization (SUA) Permits**

The Board under Chapter 961 issues permits that authorize individuals to manufacture, obtain, possess, use, administer or dispense controlled substances. Permits are necessary for research, teaching, analytical laboratories, industrial applications, humane societies and drug detection dog training.

| SPECIAL USE AUTHORIZATIONS ISSUED IN 2017 |      |     |     |     |     |     |     |     |     |     |     |     |     |             |
|---|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| SUA Types                                 | Year | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Year Totals |
| Analytical Lab                            | 2017 | 1   | 1   | 6   | 1   | -   | 1   | 1   | 3   | 1   | 3   | -   | 3   | 21          |
| Humane Society                            | 2017 | 2   | 1   | 2   | 3   | 2   | -   | 4   | 5   | 2   | 7   | 2   | 2   | 32          |
| Instructional Activities                  | 2017 | -   | -   | -   | -   | -   | -   | -   | 1   | -   | -   | -   | -   | 1           |
| Narcotic Dog Training                     | 2017 | 6   | 5   | 4   | 2   | 6   | -   | 8   | 6   | 2   | 9   | 3   | 3   | 54          |
| Research                                  | 2017 | 12  | 11  | 13  | 7   | 8   | 11  | 12  | 9   | 9   | 16  | 6   | 13  | 127         |
| Total SUAs Issued in 2017                 |      |     |     |     |     |     |     |     |     |     |     |     |     | 235         |



## V. Drug Use Trends in Wisconsin

Pending

## VI. 2017 Accomplishments

- In 2017 and 2018, DSPS PDMP staff testified about the WI ePDMP before the Congressional Caucus on Prescription Drug Abuse and the US Senate Committee on Health, Labor, Education, and Pensions.
- DSPS has presented on the ePDMP at the 2018 and 2017 National Rx Drug Abuse and Heroin Summit.
- The WI ePDMP was awarded a 2017 Government Experience Award in the Government-to-Business Experience category by the Center for Digital Government.

- The Controlled Substances Board provided technical support (schedule numbering and analog language) to Rep. Kleefisch's office for 2017 Act 60.
- In May 2017, the Controlled Substances Board held a public hearing for law enforcement agencies and prosecutors in order to receive information on drug trends.