



**VIRTUAL/TELECONFERENCE
CONTROLLED SUBSTANCES BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
November 8, 2024**

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 and deliberations of the Board.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes September 20, 2024 (4-6)**
- C. Reminders: Conflicts of Interests, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Barman, Subhadeep – 5/1/2019
 - b. Bellay, Yvonne – DATCP Representative
 - c. Bloom, Alan – 5/1/2020
 - d. Eberhardy, Cullen – AG Representative
 - e. Englebert, Doug – DHS Representative
 - f. Gundersen, David – Dentistry Examining Board Representative
 - g. Kane, Amanda – Board of Nursing Representative
 - h. Schmeling, Gregory – Medical Examining Board Representative
 - i. Weitekamp, John – Pharmacy Examining Board Representative
 - 3) Alternates
 - a. Alton, Troy – Dentistry Examining Board Representative
 - b. Ferguson, Kris – Medical Examining Board Representative
 - c. Weinman, Robert – Board of Nursing Representative
- F. Drug Trends Presentations (7)**
 - 1) John McGarry, Special Agent in Charge, US Drug Enforcement Administration, Milwaukee District Office
 - 2) Cullen Eberhardy, CSB Member, Wisconsin Department of Justice (8-17)
- G. Controlled Substance Scheduling Overview (18-25)**

- H. **Administrative Rule Matters – Discussion and Consideration (26)**
 - 1) Affirmative Action Order:
 - a. CSB 2.010, Relating to Scheduling Ethylphenidate (27)
 - 2) Scope Statement:
 - a. CSB 2.009, Relating Scheduling 2 Synthetic Benzimidazole-Opioids (28-29)
 - 3) 2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature (30-31)
 - 4) Pending and Possible Rulemaking Projects
 - a. Rule Projects Chart (32-33)

- I. **Prescription Drug Monitoring Program (PDMP) Updates – Discussion and Consideration (34)**
 - 1) WI ePDMP Operations
 - a. Recent and Upcoming Releases (35-37)
 - b. EHR Integration Status (38-39)
 - c. Interstate Data Exchange Updates (40)
 - 2) WI ePDMP Outreach (41)

- J. **DSPS Interdisciplinary Advisory Council Liaison Report – Discussion and Consideration**

- K. **Board Member Reports – Discussion and Consideration**
 - 1) Medical Examining Board
 - 2) Dentistry Examining Board
 - 3) Board of Nursing
 - 4) Pharmacy Examining Board

- L. Report from the Referral Criteria Work Group – Discussion and Consideration

- M. Liaison Reports

- N. Deliberation on Special Use Authorizations – Discussion and Consideration

- O. Discussion and Consideration of Items Received After Preparation of the Agenda
 - 1) Introductions, Announcements, and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Informational Items
 - 7) Division of Legal Services and Compliance (DLSC) Matters
 - 8) Education and Examination Matters
 - 9) Credentialing Matters
 - 10) Practice Matters
 - 11) Legislative and Administrative Rule Matters
 - 12) Liaison Reports
 - 13) Public Health Emergencies
 - 14) Appearances from Requests Received or Renewed
 - 15) Speaking Engagements, Travel, or Public Relations Requests, and Reports
 - 16) Consulting with Legal Counsel

- 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 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 Special Use Authorizations – Discussion and Consideration
- 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: JANUARY 10, 2025

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://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. 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
CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
SEPTEMBER 20, 2024**

PRESENT: Yvonne Bellay, Cullen Eberhardy, Doug Englebert (*excused at 10:18 a.m.*) (*arrived at 10:24 a.m.*), Amanda Kane, Gregory Schmeling, John Weitekamp

ABSENT: Subhadeep Barman, Alan Bloom, David Gundersen

STAFF: Tom Ryan, Executive Director; Whitney DeVoe, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other DSPS Staff

CALL TO ORDER

Doug Englebert, Chairperson, called the meeting to order at 10:00 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- **Remove item I**

MOTION: John Weitekamp moved, seconded by Cullen Eberhardy, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 12, 2024

MOTION: John Weitekamp moved, seconded by Amanda Kane, to adopt the Minutes of July 12, 2024, as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Department, Staff, and Board Updates

DSPS Interdisciplinary Advisory Council – Board Appointment of Liaison and Alternate

MOTION: Cullen Eberhardy moved, seconded by Amanda Kane, to delegate authority to the Interdisciplinary Advisory Council liaison and alternate to speak and take action on behalf of the Controlled Substances Board in matters considered by the Council, and to report back to the Controlled Substances Board on any actions taken by the Council. Motion carried unanimously.

OTHER APPOINTMENTS	
Interdisciplinary Advisory Council	Doug Englebert <i>Alternate:</i>

**10:00 A.M. PUBLIC HEARING FOR CLEARINGHOUSE RULE 24-060 ON CSB 4,
RELATING TO MAIL DELIVERED PRESCRIPTIONS**

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Amanda Kane moved, seconded by John Weitekamp, to authorize the Chairperson (or other board member) to work with DSPS staff on drafting the Final Rule and Legislative Report for Clearinghouse Rule 24-060 on CSB 4, Relating to Mail Delivered Prescriptions. Motion carried unanimously.

MOTION: John Weitekamp moved, seconded by Amanda Kane, to authorize the Chairperson (or other board member) to approve the Legislative Report and Draft for Clearinghouse Rule 24-060 on CSB 4, Relating to Mail Delivered Prescriptions for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Affirmative Action Order:

CSB 2.009, Relating Scheduling 2 Synthetic Benzimidazole-Opioids

MOTION: Cullen Eberhardy moved, seconded by Doug Englebert, to schedule by affirmative action N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances. The order shall take effect upon publication in the Administrative Register. Motion carried unanimously.

(Doug Englebert excused at 10:18 a.m.)

Preliminary Rule Draft:

CSB 2.006, Relating to Scheduling 5 Synthetic Cannabinoids

CSB 2.007, Relating to Scheduling ADB-BUTINACA, α -PiHP,3-MMC

CSB 2.008, Relating to Scheduling 2-methyl AP-237

MOTION: John Weitekamp moved, seconded by Cullen Eberhardy, to approve the preliminary rule draft for the following rules for posting for economic impact comments and submission to the Clearinghouse:

- CSB 2.006, Relating to Scheduling 5 Synthetic Cannabinoids
- CSB 2.007, Relating to Scheduling ADB-BUTINACA, α -PiHP,3-MMC
- CSB 2.008, Relating to Scheduling 2-methyl AP-237

Motion carried unanimously.

(Doug Englebert arrived at 10:24 a.m.)

Final Rule Draft:

CSB 2.004, Relating to Scheduling Zuranolone

CSB 2.005, Relating to Scheduling Nine Fentanyl Related Substances

- MOTION:** Doug Englebert moved, seconded by John Weitekamp, to approve the Legislative Report and Draft for the following rules for submission to the Governor's Office and Legislature:
- CSB 2.004, Relating to Scheduling Zuranolone
 - CSB 2.005, Relating to Scheduling Nine Fentanyl Related Substances
- Motion carried unanimously.

ADJOURNMENT

- MOTION:** John Weitekamp moved, seconded by Amanda Kane, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:39 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: DSPS		2) Date when request submitted: 8/28/2024 <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: Controlled Substances Board			
4) Meeting Date: 11/8/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Drug Trends Presentations <ul style="list-style-type: none"> John McGarry, Special Agent in Charge, US Drug Enforcement Administration, Milwaukee District Office Cullen Eberhardy, CSB Member, Wisconsin Department of Justice 	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Separate presentations will be delivered to the Board by John McGarry and Cullen Eberhardy.			
11) Authorization			
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.			



Department of Justice
Wisconsin State Crime Laboratories

Current Novel Psychoactive Substance Trends in Wisconsin

Cullen Eberhardy
Controlled Substances Unit

Controlled Substance Techniques

Screening Tests (Category C)

Color tests, Microscopic exam, and Pharmaceutical Identifiers

Indicative Tests (Category B)

GC and Thin Layer Chromatography

Confirmatory Tests (Category A)

FTIR, GC/IR, and GC/MS



Conclusions

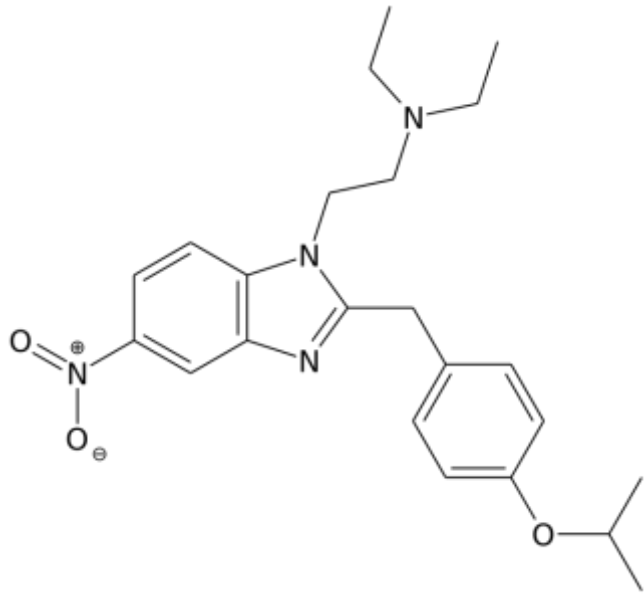
Identification

Substance of interest is identical to a standard substance
Positive A + B test

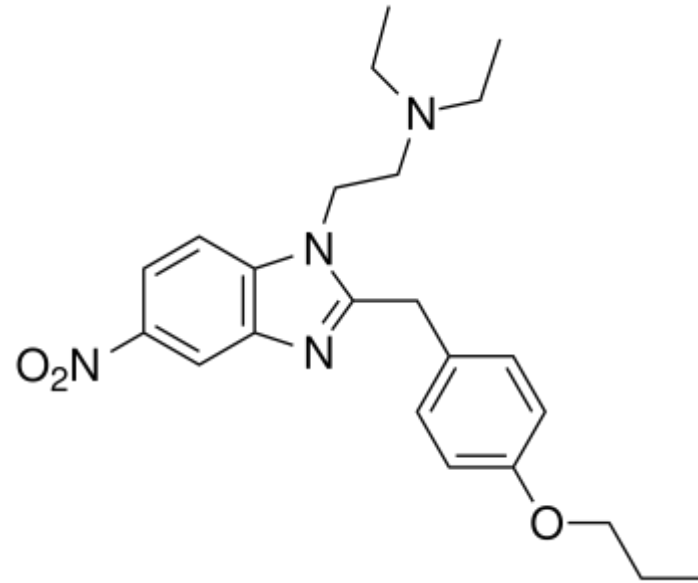
Indication

Did not meet requirements for identification
No standard available
Weak sample
Difficult matrix
Not typically included in stat tracking

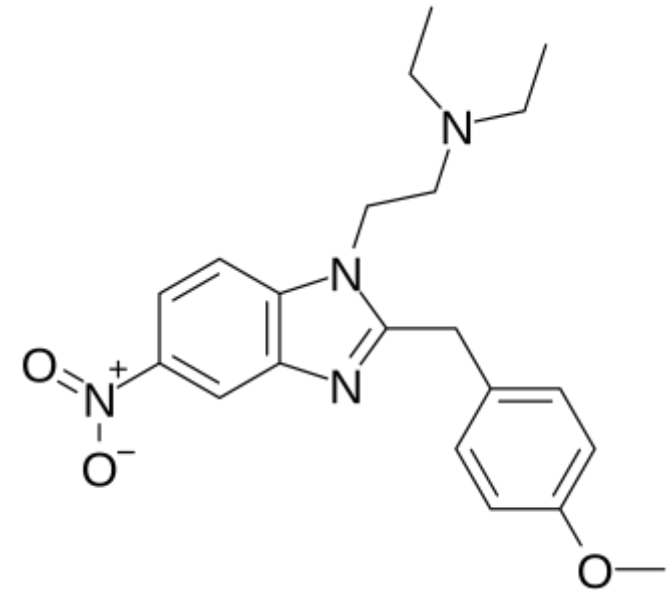
Nitazenes



Isotonitazene
961.14(2)(xm)5

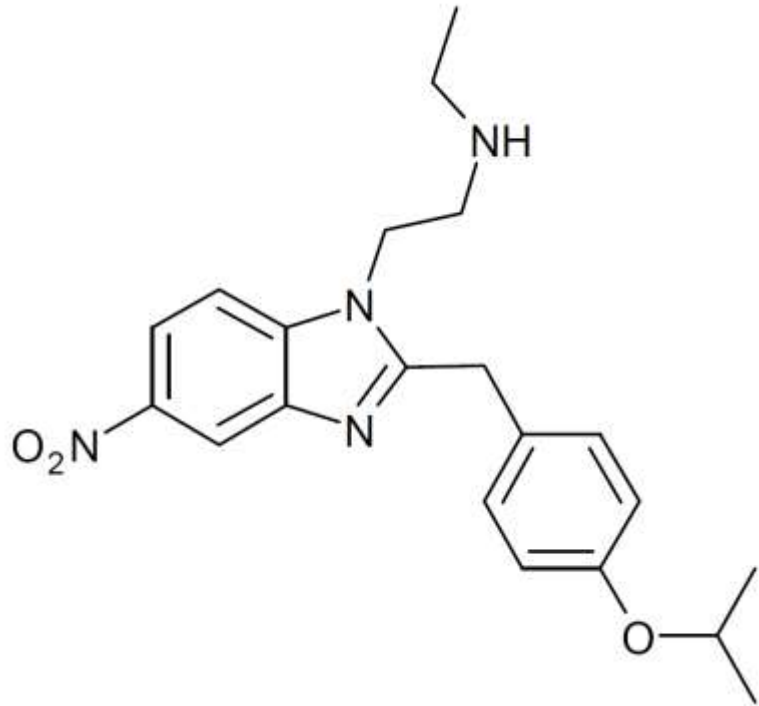


Protonitazene
961.14(2)(xm)9

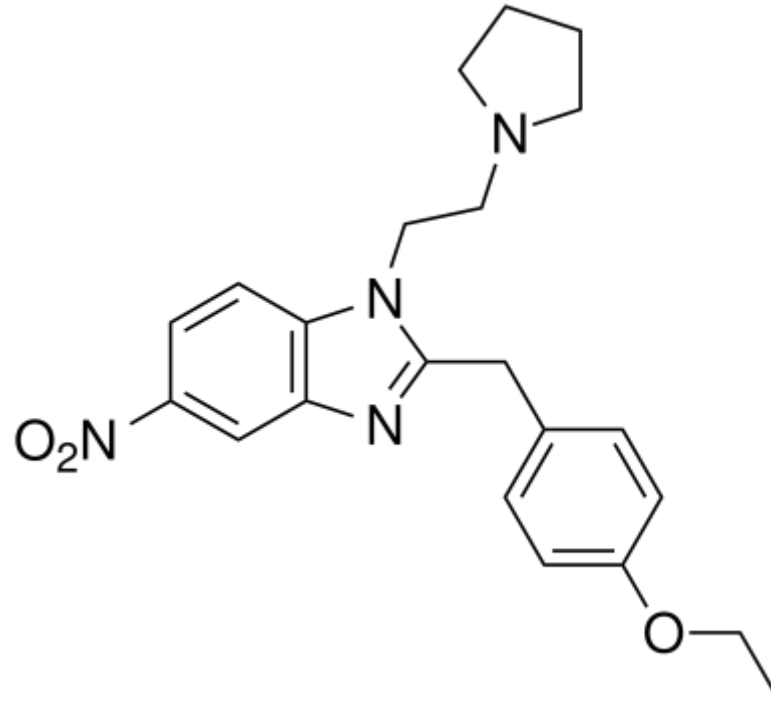


Metonitazene
961.14(2)(xm)7

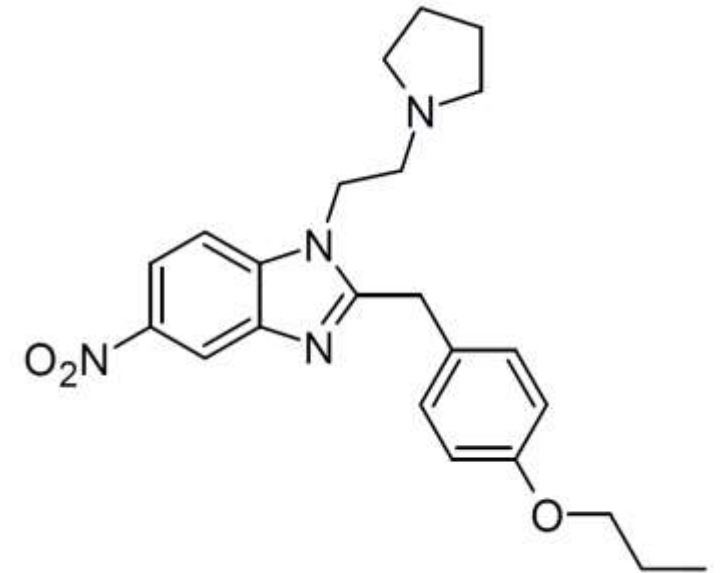
Nitazenes



N-Desethylisotonitazene
Not specifically listed



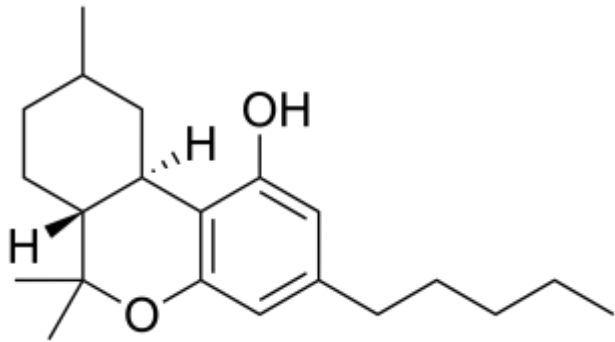
N-Pyrrolidino Etonitazene
961.14(2)(xm)8



N-Pyrrolidino Protonitazene
Not specifically listed

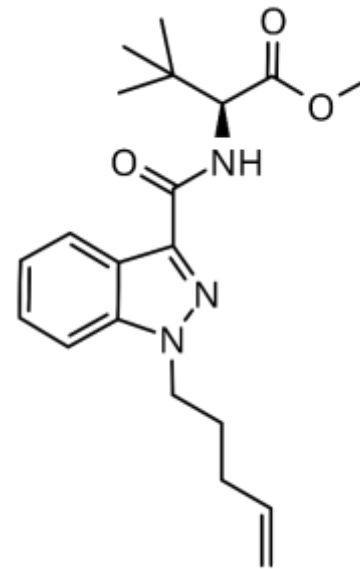
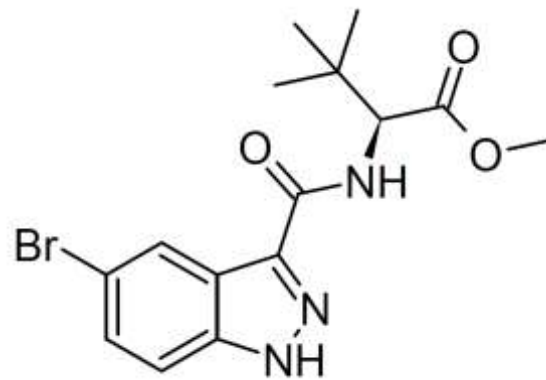
N-Desethyletonitazene (not pictured)
Not specifically listed

Cannabinoids



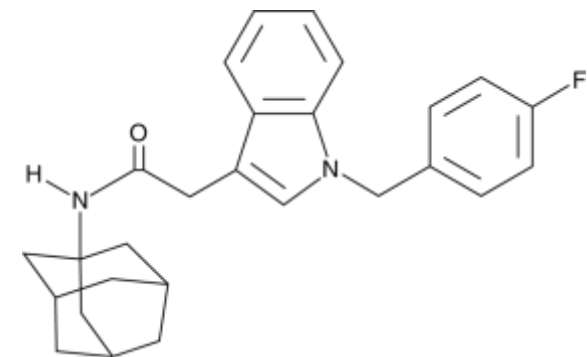
Hexahydrocannabinol (HHC)
Not specifically listed

MDMB-5Br-INACA
Not specifically listed

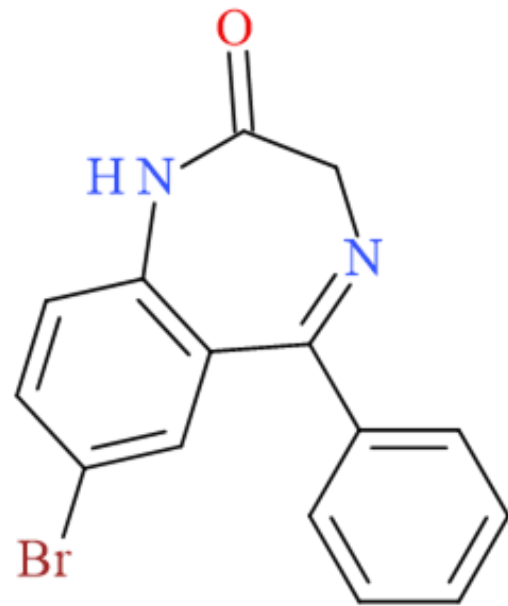


MDMB-4en-PINACA
961.14(4)(tb)54

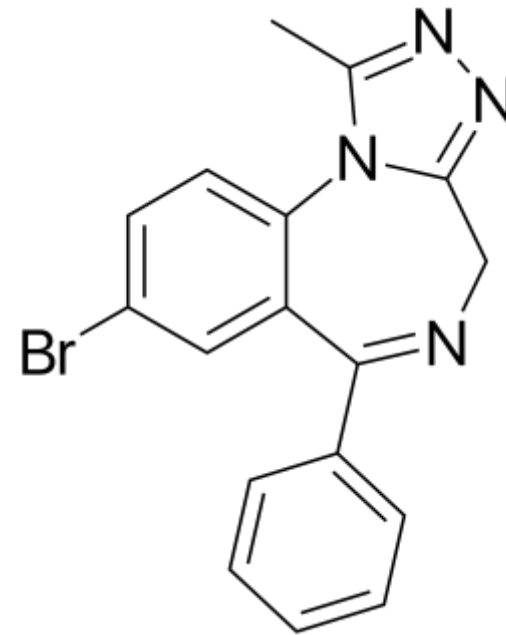
AFUBIATA
Not specifically listed



Benzodiazepines

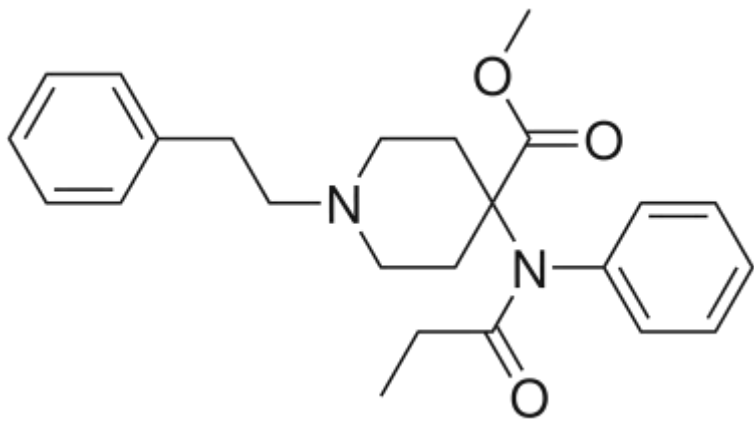


Desalkylgidazepam
Not specifically listed



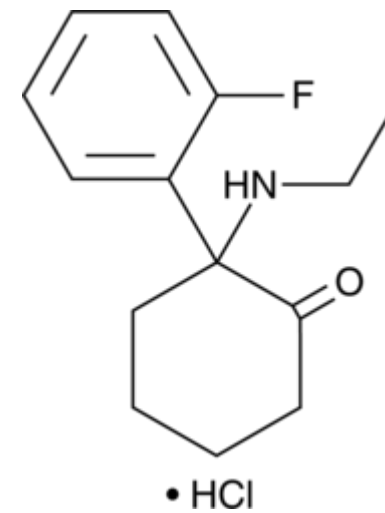
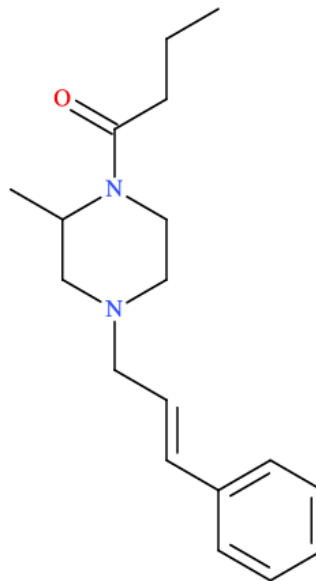
Bromazolam
Not specifically listed

Miscellaneous



Carfentanil
961.16(3)(cm)

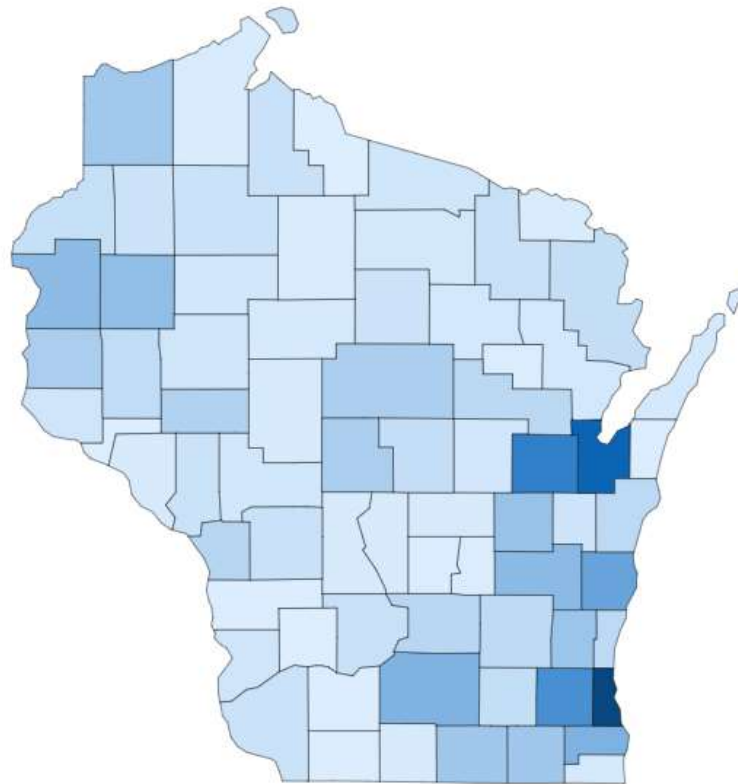
2-Methyl AP-237
Not specifically listed



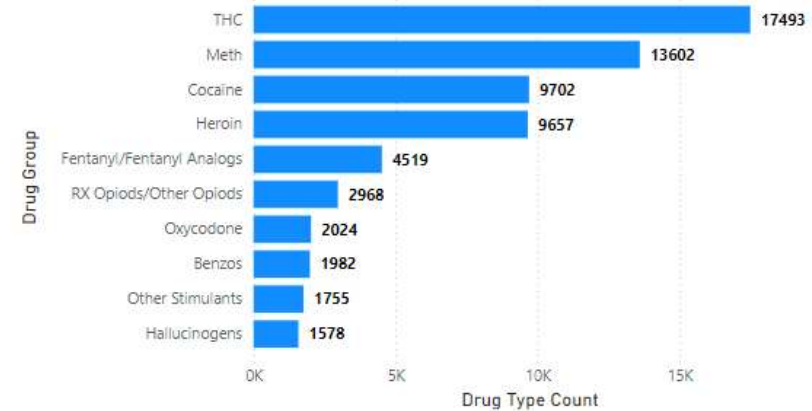
2F-2oxo-PCE
Not specifically listed

Common Substance

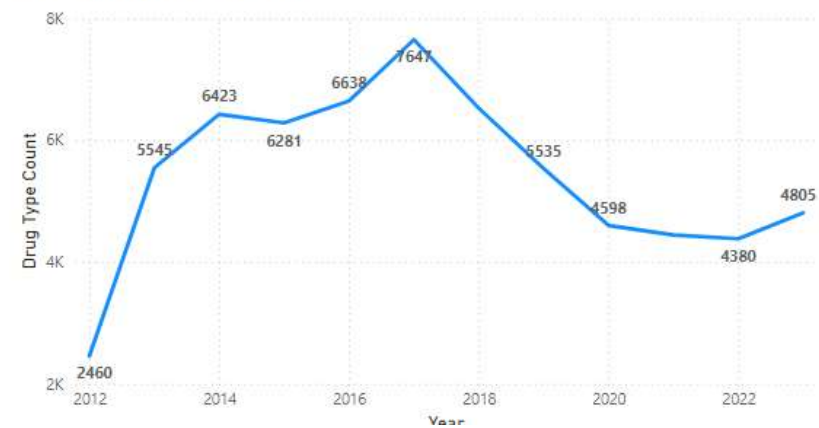
Drug Types Identified by County



Drug Types Identified by Drug Group



Drug Types Identified by Year




<https://www.doj.state.wi.us/dfs/chemistry/wscl-drug-cases>



Thank You!

**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: 10/29/24 <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: Controlled Substances Board			
4) Meeting Date: 11/08/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Controlled Substance Scheduling Overview	
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: 2024 CSB Rules – Presentation (PowerPoint File)			
11) Authorization			
 Signature of person making this request		10/29/24 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



CONTROLLED SUBSTANCE SCHEDULING OVERVIEW

Nilajah Hardin

Administrative Rules Coordinator, DSPS

- ▶ **Process Completed by the Controlled Substances Board**
- ▶ **Drug with the potential for abuse designated as a controlled substance in WI**
- ▶ **Analogs of a substance can also be scheduled**

WHAT IS SCHEDULING?



SCHEDULING IN WI

1

Standard
Scheduling

2

Emergency
Scheduling

3

Scheduling Based
on Federal Action

SCHEDULING DRUGS AS CONTROLLED SUBSTANCES

- ▶ “The 8 Questions”
 - ▶ Potential for abuse
 - ▶ Scientific evidence of pharmacological effect
 - ▶ Current scientific knowledge on the substance
 - ▶ History and current pattern of abuse
 - ▶ Scope, duration and significance of abuse
 - ▶ Risk to public health
 - ▶ Potential to produce psychological or physical dependence
 - ▶ Whether the substance is an immediate precursor of an already scheduled substance

STANDARD SCHEDULING


- ▶ 3 Factors
 - ▶ History and current pattern of abuse for the drug
 - ▶ Scope, duration, and significance of abuse
 - ▶ Risk to public health
- ▶ Requested by a district attorney prosecuting a case
- ▶ Emergency Rules Process – drug scheduled for 1 year
- ▶ Permanent Rules Process - must be in place before emergency rule expires

EMERGENCY SCHEDULING

- ▶ Affirmative Action Process
 - ▶ DEA schedules a drug and it's published in the Federal Register
 - ▶ Board must wait 30 days from DEA publication before scheduling
 - ▶ Board approves and publishes an Affirmative Action Order
 - ▶ Affirmative Action Order schedules drug into the same schedule under WI
 - ▶ Affirmative Action Order is effective upon publication until permanent rule goes into effect
 - ▶ Board then follows Permanent Rules Process

SCHEDULING BASED ON FEDERAL ACTION

**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: 10/29/24 <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: Controlled Substances Board			
4) Meeting Date: 11/08/24	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. Affirmative Action Order: a. CSB 2.010, Relating to Scheduling Ethylphenidate 2. Scope Statement: a. CSB 2.009, Relating Scheduling 2 Synthetic Benzimidazole-Opioids 3. 2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature 4. Pending or Possible Rulemaking Projects a. Rule Projects Chart	
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: Review and take action on Affirmative Action Orders, Preliminary Rules Drafts, and Final Rule Drafts. Attachments: <ul style="list-style-type: none"> • Affirmative Action Order – CSB 2.010 • Scope Statement – CSB 2.009 • 2025 Draft 227.29 Report • Rule Projects Chart <small>(All Board Rule Projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)</small>			
11) Authorization			
 Signature of person making this request		10/29/24 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On October 22, 2024, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register adding Ethylphenidate to schedule I of the federal Controlled Substances Act. The scheduling action is effective November 21, 2024.
2. The Controlled Substances Board did not receive an objection to similarly listing Ethylphenidate as a schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing Ethylphenidate as a schedule I controlled substance.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.13 and omitting the notice of proposed rulemaking, listing Ethylphenidate as a schedule I controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats Ethylphenidate under chapter 961, Stats. by creating the following:

CSB 2.010 Addition of Ethylphenidate to Schedule I. Section 961.14 (7) (u), Stats., is created to read:

961.14 (7) (u) Ethyl 2-phenyl-2-(piperidin-2-yl)acetate, commonly known as Ethylphenidate.

This order shall become effective upon publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated _____

Doug Englebert, Chairperson
Controlled Substances Board

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2.009

Relating to: Scheduling 2 Synthetic Benzimidazole-Opioids

Rule Type: Permanent

1. Finding/nature of emergency: N/A

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

The objective of the proposed rule is to add N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances under s. 961.11 (4), Stats.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

On July 29, 2024, the Department of Justice, Drug Enforcement Administration published its temporary scheduling order in the Federal Register adding N-desethyl isotonitazene and N-piperidinyl etonitazene to schedule I of the federal Controlled Substances Act. The scheduling action was effective July 29, 2024. The Controlled Substances Board did not receive an objection to similarly listing N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order listing N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.13 and omitting the notice of proposed rulemaking, listing N-desethyl isotonitazene and N-piperidinyl etonitazene as schedule I controlled substances.

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats N-desethyl isotonitazene and N-piperidinyl etonitazene under chapter 961, Stats. by creating the following:

CSB 2.009 Addition of 2 Synthetic Benzimidazole-Opioids to Schedule I. Section 961.14 (2) (xm) 7e. and 7m., Stats., are created to read:

961.14 (2) (xm) 7e. N-desethyl isotonitazene (N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).

961.14 (2) (xm) 7m. N-piperidinyl etonitazene also known as etonitazepipne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole).

The Affirmative Action order, dated October 3, 2024, took effect on October 21, 2024, upon publication in the Administrative Register and expires upon promulgation of a final rule.

4. Detailed explanation of statutory authority for the rule:

Section 961.11 (1), Stats. provides that “[t]he controlled substances board shall administer this subchapter and may add substances to or delete or reschedule all substances listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20 and 961.22 pursuant to the rule-making procedures of ch. 227.”

Section 961.11(4), Stats. provides that “[i]f a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of

temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling, temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2).”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 80 hours.

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

Law enforcement, district attorney offices, Dept of Justice, state courts and the Controlled Substances Board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

On July 29, 2024, the Department of Justice, Drug Enforcement Administration published its temporary scheduling order in the Federal Register adding N-desethyl isotonitazene and N-piperidiny l etonitazene to schedule I of the federal Controlled Substances Act. The scheduling action was effective July 29, 2024.

8. Anticipated economic impact of implementing the rule: None to minimal.

Contact Person: Nilajah Hardin, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted



November , 2024

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a):

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

VI. Status of rules identified in the Board's previous report:

Rules	Citation or the text of the statute, regulation, or ruling	Action taken to address or reason for not taking an action
s. 961.20 (4)	87 FR 78857 removed Fenfluramine from the federal schedules of the Controlled Substances Act as of 12/23/22	The Board removed Fenfluramine from control in Wisconsin statute ch. 961 via Affirmative Action Order effective 04/17/23. CR 24-024 will make this action permanent once it has been finalized and is effective.

Sincerely,

Doug Englebert
Chairperson
Controlled Substances Board

**Controlled Substances Board
Rule Projects (updated 10/29/24)**

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
24-004	053-23	02/07/2026	CSB 2.98	Excluding [¹⁸ F] FP-CIT	Legislative Review	Adoption Order Review at a Future Meeting
24-005	054-23	02/07/2026	CSB 2.99	Scheduling Mesocarb	Legislative Review	Adoption Order Review at a Future Meeting
24-023	078-23	04/23/2026	CSB 2.001	Scheduling Methiopropamine	Legislative Review	Adoption Order Review at a Future Meeting
24-024	079-23	04/23/2026	CSB 2.002	Excluding Fenfluramine	Legislative Review	Adoption Order Review at a Future Meeting
24-048	001-24	07/02/2026	CSB 2.003	Transferring Flualprazolam and Scheduling 4 Other Synthetic Benzodiazepine Substances	Legislative Review	Adoption Order Review at a Future Meeting
24-058	048-24	11/13/2026	CSB 2.004	Scheduling Zuranolone	Legislative Review	Adoption Order Review at a Future Meeting
24-059	049-24	11/13/2026	CSB 2.005	Scheduling 9 Fentanyl Related Substances	Legislative Review	Adoption Order Review at a Future Meeting
Not Assigned Yet	086-24	02/05/2027	CSB 2.006	Scheduling 5 Synthetic Cannabinoids	EIA Comment Period and Fiscal Estimate	Submission for Clearinghouse Review
Not Assigned Yet	087-24	02/05/2027	CSB 2.007	Scheduling ADB-BUTINANCA, α -PiHP, and 3- MMC	EIA Comment Period and Fiscal Estimate	Submission for Clearinghouse Review
Not Assigned Yet	088-24	02/05/2027	CSB 2.008	Scheduling 2-methyl AP-237	EIA Comment Period and Fiscal Estimate	Submission for Clearinghouse Review
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.009	Scheduling 2 Synthetic Benzimidazole-Opioids	Scope Statement Reviewed at 11/08/24 Meeting	Scope Statement Submitted for Governor Approval and Publication
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	CSB 2.010	Scheduling Ethylphenidate	Affirmative Action Order Reviewed at 11/08/24 Meeting	Affirmative Action Order Submitted for Publication

**Controlled Substances Board
Rule Projects (updated 10/29/24)**

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
24-013	095-22	05/21/2025	CSB 4	National Provider Identifier Requirement	Legislative Review	Adoption Order Review at a Future Meeting
24-033	055-23	02/07/2026	CSB 4	Monitored Prescription Drug History Reports	Legislative Review	Adoption Order Review at a Future Meeting
24-060	072-24	08/12/2026	CSB 4	Mail Delivered Prescriptions	Final Rule and Legislative Report Pending Chairperson Approval and Signature	Submission to Governor for Approval and Legislative Review

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Marjorie Liu Program Lead, PDMP		2) Date when request submitted: 10/25/2024 <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: Controlled Substances Board			
4) Meeting Date: 11/08/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Prescription Drug Monitoring Program (PDMP) Updates – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. WI ePDMP Operations <ul style="list-style-type: none"> a. Recent and Upcoming Releases b. EHR Integration Status c. Interstate Data Exchange Updates 2. WI PDMP Outreach			
11) <i>Marjorie Liu</i>	Authorization		10/25/2024
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

2022-2024 Development and Release Summary

Updated 10.23.24

Release Date	Description
Pending	
R33.12	ePDMP Webpage Updates: Contact Us info & user registration screen for Medical Coordinator and Researcher Analytics and Reports Updates- <ul style="list-style-type: none"> • Prescriber Monitoring Report Charts Readability • Prescriber Address populated on Dispensing History Details Administrative Workflow Enhancement: Alerts reviewing screen updates
Completed	
R33.11 September 2024	Non – HCP Alert Displays on Requested Reports Detailed Prescriber Monitoring Report Rework Updated Quarterly CSB Reports Prescriber Address Visible on Patient Report Table
R33.10 August 2024	Automation of Reports: <ul style="list-style-type: none"> • Opioid Prescribing Practice Summary Report Review • Quarterly Statistics for CSB Report Review • Detailed Prescriber Monitoring Report Review • Prescriber Address Populated on UI EHR Support Partial Refill Review
R33.9 July 2024	Opioid Prescribing Practice Summary Report Review Text Updates in UI Updates to notification emails Prescriber Query Compliance Report update
R33.8 June 2024	Opioid Prescribing Practice Summary Report Review Quarterly CSB Report Review Compound Drug UI Statistic utilization optimizations Addition of email address to non-HCP query requests
R33.7 May 2024	Dispenser Compliance Report Review Submitter/Dispenser Report Review
R33.6 April 2024	System Updates <ul style="list-style-type: none"> • Pending Account Changes UI language • UAT email notification links • Controlled Substance UI language Updated error messages for Submitters RXCheck 3.1 Update and Patch

	<p>Statistics Dashboard populate counties' logic EHR Support</p>
<p>R33.5 March 2024</p>	<p>Statistics reporting updates EHR/Epic OAuth Support File Submission Queue processing</p>
<p>R33.4 February 2024</p>	<p>DEA File Updates LicenseE Update – State License Validation Training Materials Update File Processing support EHR support</p>
<p>R33.3 January 2024</p>	<p>LicenseE Update – New User Registration LicenseE Update – User Login Validation PDMP UI Page Text Updates <ul style="list-style-type: none"> • Home Page • Contact Us • Patient History Detail File Processing Support EHR Support</p>
<p>R33.2 January 2024</p>	<p>Pharmacy Users fixes <ul style="list-style-type: none"> • Zero reports • Revise/Correct/Void File Processing support EHR support</p>
<p>R33.1 November 2023</p>	<p>Utilization page updates PMPi States Admin Manage Alerts Timeout Patient Matching Updates</p>
<p>R33.0 November 2023</p>	<p>Geocoding Address2 Line rejection Updated Submitter Guide</p>
<p>R32.5 October 2023</p>	<p>File processing support</p>
<p>R32.4 October 2023</p>	<p>EHR Support</p>

R32.3 October 2023	EHR Support
R32.2 October 2023	EHR Support
R32.1 October 2023	Iframe support Epic
R32 October 2023	HRG 2020 Grant Release
R31 March 2023	Iframe support Epic
R30 February 2023	Iframe support Prescriber Practice Metric UI Text updates Maintenance Updates
R29 October 2022	Updated mapping tool Adjusted language for expired temporary licenses Modified file processing
R28 July 2022	Adding language related to Buprenorphine Alert Override <ul style="list-style-type: none"> • Minor text changes to submission error emails • Minor language changes around alert messaging Maintenance Updates
Harold Rogers Grant 2021 Promotional Materials May 2022	Promotional Materials for free EHR Integrations Maintenance Updates
R26 April 2022	Buprenorphine Alert Override <ul style="list-style-type: none"> • Ability to override prescriber facing alerts, metrics, and MME calculations for certain drugs. Maintenance Updates RxCheck 3.0 Upgrades

WI ePDMP Integration Services Summary

Current as of 10.23.24

Pending Health Systems and EHR Platforms	Status			Notes
Internal Medicine Associates	In discussion			
MECFS Clinic MN	In discussion			
Connected Health Systems (61% of monthly patient queries)	Free Pricing Model	Implementation Date	Est. Total # of Users	Notes
Advent Health		03/05/2023	15	
Allina Health	Y	09/18/2023	100	
Ascension Wisconsin				
Aspirus Health Care				
Aurora Health Care	Y	05/08/2024	12,000	
Children's Hospital of Wisconsin	Y	09/01/2022	300	
Clark County	Y			
Clean Slate	Y	09/01/2022	26	
CompuGroup Medical	Y		50	Internal Go-Live in Process
DrFirst				
Froedtert & the Medical College of Wisconsin			100	Pending signed Free agreement
GHC of South Central Wisconsin	Y			
Gundersen Health System			800	Pending signed Free agreement
HealthPartners				
HSHS / Prevea Health	Y	01/01/2023	500	
M Health Fairview	Y	08/01/2022	30	
Marshfield Clinic	Y	09/01/2022	100	
Mayo Clinic				
Mercy Health	Y	08/01/2022	766	
Monroe Clinic				
NOVO Health Technology Group	Y	02/01/2023		

Ochin	Y	12/21/2022	100	
ProHealth Care				
QuadMed, LLC	Y		40	
SSM Health				
Thedacare				Pending signed Free agreement
UnityPoint				
UW Health			4000	
Wisconsin Statewide Health Information Network	Y	09/01/2022	3500	

DrFirst Facilities	
Alay Health Team	National Medical Groups
Associated Mental Health Consultants	Oak Medical
Behavioral Health Svcs of Racine Co.	Oral Surgery Associates of Milwaukee
Benjamin S. Gozon MDSC D/B/A Capitol Rehabilitation Clinic	Orthopedic Hospital of Wisconsin
Door County Memorial Hospital	Pain Management and Treatment Center
Dr. Colleen Worth, DNP, APNP	Pediatrics Associates
Empower Recovery	Reka Furedi MD
FAMILY PSYCHIATRIC CARE, LLC	Richland Hospital
Fort Healthcare	Red Oak Counseling
GI Associates LLC	Regional Medical Center
Heartland Hospice	Rogers Memorial Hospital
Jonathan Hoerl PMHNP	Sauk Prairie Memorial Hospital
Lake Superior Community Health Center	Synergy Medical Services, LLC
Linc Health Clinic	Third Eye Health
Lifestance Health WI	Watertown Rainbow Hospice
Madison Recovery Center	Wauwatosa Children's Clinic
Marshfield Clinic Health System	Watertown Regional Medical Center
Mental Health Specialty Group PA	
Mile Bluff Medical Center	
Milwaukee Medical Associate, SC	
Mindful Healing and Wellness LLC	

Interstate Data Sharing

RxCheck/EHR	PMPi
In Progress	
Connected	
IL, KY, MD, NE, PA, UT, WA, ME	AL, AZ, CO, DE, FL, HI, IA, ID, IN, MI, MN, MT, NC, ND, NM, NV, NY, OH, PR, SC, SD, TN, TX , WV, Military Health System, Veterans Health Administration

2024 WI PDMP Outreach Calendar

MONTH	EVENT	DESCRIPTION	DATES	NOTES
January	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	1/11/2024	Virtual; Quarterly Meeting
February				
March				
April	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	4/11/2024	Virtual; Quarterly Meeting
May	PDMP Administrators' National Conference	Presenter; First national meeting for PDMP administrators; organized by the Bureau of Justice Assistance-TTAC.	5/7-5/9/2024	San Antonio, TX
June	2024 PMP InterConnect Steering Committee Meeting	Participant; Annual national meeting for PDMP administrators organized by National Association of Boards of Pharmacy (NABP)	6/24-6/25/2024	Mount Prospect, IL
July	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	7/11/2024	Virtual; Quarterly Meeting
August	2024 Harold Rogers PDMP National Conference	Awardee- Participant; Sponsored by the Bureau of Justice Assistance (BJA), which funds the Harold Rogers PDMP grants	8/13-8/15/2024	Washington DC
	PDMP Outreach & Training	Presenter; Utilizing PDMP Data to Inform Investigation	8/27/2024	Virtual; Division of Community Corrections, DOC
September	Bi-Annual RxCheck Governance Board Meeting	Board Member-Participant; Interstate PDMP data exchange discussion	9/24-9/25/2024	Virtual/Kansas City, MO
	Sauk County Overdose Fatality Review Team Meeting	Presenter; PDMP overview, updates, and utilization for Overdose Fatality Review	9/25/2024	Virtual
October	Overdose Fatality Review (OFR) State Advisory Group	DSPS Representative; inter-agency advisory board for OFR participating local sites	10/10/2024	Virtual; Quarterly Meeting
	NASCSA Conference (National Association of State Controlled Substances Authorities)	Participant; annual national meeting organized by NASCSA for government controlled substances authority, PDMP and healthcare professionals	10/28-10/31/2024	Greenville, South Carolina
November				
December				