



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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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 **17-090**

AN ORDER to amend Phar 1.01 and 1.02 (intro.), relating to authority and definitions.

Submitted by **PHARMACY EXAMINING BOARD**

12-01-2017 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-2017 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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Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

In the rule summary’s listing of statutory authority, it appears that the board could consider adding a citation to s. 450.02 (3) (d), Stats. That provision grants the board the authority to promulgate rules that are necessary for the administration and enforcement of ch. 450, Stats. [s. 1.02 (2m) (a), Manual.]

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

In the treatment clause for SECTION 1 of the proposed rule, it appears that the citation to s. Phar “1.10” should be corrected to “1.01”.

PHARMACY RULES LIST

Current Rule Projects

In Process

Phar 15 (Compounding) –Legislative Review (Scope expires Feb 4, 2020)

Phar 1 (add definitions apply to chapter 17) – Public Hearing 1/9/18 (Scope Expires March 18, 2020)

Phar 7 (Practice of Pharmacy) – Currently Drafting (Scope expires Feb 4, 2020)

Projects identified on previous Goals Lists which fall under this chapter

7.015 Technicians

7.09 (1) (b) Automated Dispensing Systems

7.02 Prescription Labels

Pharmacists working from home

Patient consultation

Collaborative Practice Agreements

Delivery (security of drugs shipped through the mail)

Phar 7 (Institution TCT) – Scope published 9/18/17 (Pilot ends 9/30/19; Scope expires 3/18/20)

Phar 7 (Community TCT) – Scope published 9/18/17 (Pilot ends 10/31/19; Scope expires 3/18/20)

Phar 7 (Pharmacist Tech Ratio) – Scope published 9/18/17 (Pilot ends 9/30/19; Scope expires 3/18/20)

Phar 7 (Automated Final Check) – Scope published 9/18/17 (Pilot ends 9/30/19; Scope expires 3/18/20)

Phar 17 (Intern) – Scope published 9/18/17 (Scope Expires March 18, 2020)

Future Rule Projects

Required rules pursuant to 450.073 (3), Wis. Stats. (Electronic track and trace)

Compliance with Drug Supply Chain Security Act

- Third Party Logistics Providers
- Wholesale Distributor Requirements
- Product Tracing Requirements

Phar 8 – Partial fill of controlled substances, security of controlled substances

Phar 12 Update (including security requirements)

Phar 13 Clean-Up

Out of state pharmacies

Phar 6.07 (3) – Storage of controlled substances (specifically schedule 3-5)

Par 2 – Foreign educated applicants