



**VIRTUAL/TELECONFERENCE
PHARMACY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
December 5, 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 of the Board.

AGENDA

11:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of October 24, 2024 (5-9)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. 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 M. – 7/1/2028
 - c. Peterangelo, Anthony – 7/1/2027
 - d. Walsh, Michael – 7/1/2024
 - e. Weitekamp, John G. – 7/1/2026
 - f. Wilson, Christa – 7/1/2025
- E. Legislative and Policy Matters – Discussion and Consideration
- F. Administrative Rule Matters – Discussion and Consideration (10-19)**
 - 1) Extension Request: EmR 2411 on Phar 8, Relating to Controlled Substances Requirements **(11-16)**
 - 2) 2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature **(17-18)**
 - 3) Pending or Possible Rulemaking Projects **(19)**
- G. Implement 2021 Wisconsin Act 9 – Top 100 Most Prescribed Drugs – Discussion and Consideration (20-23)**

- H. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration (24-25)**
 - 1) Travel Request: 2025 Tri-Regulator Symposium and Opioid Regulatory Collaborative Summit
 - 2) Travel Request: 121st NABP Annual Meeting, May 13-16, 2025, Ft. Lauderdale, FL
- I. NABP Pulse Regulator Monthly Champions Call – Discussion and Consideration
- J. Interdisciplinary Advisory Council – Discussion and Consideration
- K. Credentialing Matters – Discussion and Consideration
- L. Liaison Reports – 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. C.J.F. – Pharmacist (IA 367245) **(26-48)**
- b. Z.A.L. – Pharmacy Technician (IA 375221) **(49-89)**
- c. P.L.M. – Pharmacy Technician (IA 377278) **(90-145)**
- d. T.O.E.S. – Pharmacy (Out of State) (IA 409292) **(146-169)**
- e. S.M.Y. – Pharmacy Technician (IA 432049) **(170-196)**

P. Deliberation on Division of Legal Services and Compliance Matters

1) Administrative Warnings

- a. 23 PHM 134 – K.L.J. **(197-198)**
- b. 23 PHM 149 – K.G. **(199-200)**
- c. 24 PHM 0032 – O.N.E. **(201-202)**
- d. 24 PHM 0032 – X.P. **(203-205)**

2) Case Closings

- a. 22 PHM 077 – W. **(206-212)**
- b. 22 PHM 141 – P.P.S. **(213-216)**
- c. 23 PHM 005 – F.P. **(217-220)**
- d. 23 PHM 017 – W.I.P. **(221-224)**
- e. 23 PHM 058 – H.V. **(225-229)**
- f. 23 PHM 086 – P.N.S. **(230-237)**
- g. 23 PHM 092 – W.P. **(238-243)**
- h. 23 PHM 095 – W. **(244-247)**
- i. 23 PHM 124 – W. **(248-264)**
- j. 23 PHM 134 – W. **(265-268)**
- k. 23 PHM 149 – W. **(269-277)**
- l. 23 PHM 168 – B., B.I., M.I.D. **(278-282)**
- m. 23 PHM 180 – W. **(283-287)**
- n. 24 PHM 013 – M.S. **(288-292)**
- o. 24 PHM 021 – M.I. **(293-296)**
- p. 24 PHM 0058 – J.J.P. **(297-299)**
- q. 24 PHM 0076 – C.C.P. **(300-302)**

3) Proposed Stipulations, Final Decisions and Orders

- a. 21 PHM 056, 21 PHM 152, 22 PHM 109, 23 PHM 022, 23 PHM 065, 23 PHM 102, 23 PHM 135, and 24 PHM 007 – RGH Enterprises, LLC dba Edgepark Medical Supplies **(303-312)**
- b. 23 PHM 184 – Mark G. Anderson **(313-319)**

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: FEBRUARY 20, 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.

**HYBRID (IN-PERSON/VIRTUAL)
PHARMACY EXAMINING BOARD
MEETING MINUTES
OCTOBER 24, 2024**

PRESENT: Susan Kleppin; Tiffany O’Hagan; Anthony Peterangelo, Michael Walsh, John Weitekamp, Christa Wilson (*Virtual*)

ABSENT: Brady Coulthard

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department staff

CALL TO ORDER

John Weitekamp, Chairperson, called the meeting to order at 11:03 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

Amend: Remove Item D.1.

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

APPROVAL OF MINUTES OF AUGUST 29, 2024

MOTION: Susan Kleppin moved, seconded by Tiffany O’Hagan, to approve the Minutes of August 29, 2024, as published. Motion carried unanimously.

Public Hearing Emergency Rule 2411 and Clearinghouse Rule 24-070 on Phar 8, Relating to Controlled Substances Requirements

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to accept all Clearinghouse comments for Clearinghouse Rule 24-070 on Phar 8, Relating to Controlled Substances Requirements. Motion carried unanimously.

And,

MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 24-070 on Phar 8, Relating to Controlled Substances Requirements for submission to the Governor’s Office and Legislature. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

MPJE Pilot Program and UPJE Update Pilot Program Matters (Appearance: Al Carter, Executive Director, NABP)

MOTION: John Weitekamp moved, seconded by Tiffany O’Hagan, to acknowledge and thank Al Carter for their appearance and presentation to the Board. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement: Phar 1, 6, 7, and 10, Relating to Pharmacy Workplace Conditions

MOTION: Michael Walsh moved, seconded by Tiffany O’Hagan, to designate Anthony Peterangelo to approve the Scope Statement revising Phar 1, 6, 7, and 10, Relating to Pharmacy Workplace Conditions, for submission to the Department of Administration and Governor’s Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

Administrative Code Note: Phar 7.085 – Delivery Drivers

MOTION: John Weitekamp moved, seconded by Anthony Peterangelo, to approve the addition of a Note to Wisconsin Administrative Code section Phar 7.085 about delivery drivers. Motion carried unanimously.

Preliminary Rule Draft: Phar 15, Relating to Compounding Pharmaceuticals

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to approve the preliminary rule draft of Phar 15, relating to Compounding Pharmaceuticals for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

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

Travel Request: NABP Member Forum, December 4-5, 2024 – Mount Prospect, IL

MOTION: John Weitekamp moved, seconded by Michael Walsh, to designate Tiffany O’Hagan, to attend the NABP Member Forum, December 4-5, 2024 – Mount Prospect, IL. Motion carried unanimously.

CLOSED SESSION

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, 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 12:55 p.m.

DELIBERATION ON REVIEW OF ADMINISTRATIVE WARNING

12:30 P.M. APPEARANCE: Nicolas Dalla Santa, DLSC Attorney; and W.P. Respondent: WARN00003752 – 23 PHM 189 – W. P.

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to rescind the issuance of the administrative warning in the matter of W.P., DLSC Case WARN00003752 – 23 PHM 189. Motion carried unanimously.

CREDENTIALING MATTERS

Application Reviews

E.P. – Pharmacy (Out of State) (IA 115774)

MOTION: Susan Kleppin moved, seconded by Tiffany O’Hagan, to request additional information from E.P. and to postpone further consideration and action on the requests of applicant related to their out-of-state pharmacy application (IA-115774) until the December 5, 2024, meeting. Motion carried unanimously.

S.K.J.H. – Pharmacy Technician (IA 368461)

MOTION: Michael Walsh moved, seconded by Susan Kleppin, to approve the Pharmacy Technician application of S.K.J.H., once all requirements are met. Motion carried unanimously.

P.L.M. – Pharmacy Technician (IA 222729)

MOTION: Tiffany O’Hagan moved, seconded by Anthony Peterangelo, to request additional information from P.L.M. and to table further consideration and action on their pharmacy technician application (IA-222729). Motion carried unanimously.

W.P. – Pharmacy (Out of State) (IA 374618)

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to approve the Pharmacy (Out of State) application of W.P., once all requirements are met. Motion carried unanimously.

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

Administrative Warnings

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to issue an Administrative Warning in the following DLSC Cases:

1. 22 PHM 077 – Z.A.B.
2. 23 PHM 176 – J.J.M.
3. 23 PHM 176 – N.M.A.

Motion carried unanimously.

Case Closings

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

1. 21 PHM 164 – T.H.C.P. – No Violation
2. 22 PHM 032 – W. & C.M.P. – Insufficient Evidence
3. 22 PHM 091 – M.D.G. & J.D.Z. – Insufficient Evidence
4. 23 PHM 050 – W. – No Violation
5. 23 PHM 062 – C.P. – No Violation
6. 23 PHM 062 – K.H.K. – Insufficient Evidence
7. 23 PHM 083 – B.H.C.I. – No Violation
8. 23 PHM 136 – H.E.R. – Prosecutorial Discretion (P1)
9. 23 PHM 157 – J.H.P. – Prosecutorial Discretion (P2)
10. 23 PHM 176 – O.W.P. – Prosecutorial Discretion (P2)
11. 23 PHM 180 – N.N.L. – Prosecutorial Discretion (P1)
12. 24 PHM 0035 – W.P. – No Violation
13. 24 PHM 0060 – P.S.L. – No Violation

Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 2:53 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT


MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:55 p.m.

DRAFT

**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: 11/22/24 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: 12/05/24	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. Extension Request: EmR 2411 on Phar 8, Relating to Controlled Substances Requirements 2. 2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature 3. 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. Phar 8 Extension Request Letter 2. EmR 2411 3. 2025 227.29 Biennial Report 4. 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		12/05/24 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.			



December , 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: Request for Extension of Emergency Rule, Pharmacy Examining Board

Dear Senator Nass and Representative Neylon:

Pursuant to Wis. Stat. s. 227.24 (2), I am writing to request an extension of EmR2411, an emergency rule amending Phar 8, relating to Controlled Substances Requirements. A copy of the emergency rule is attached.

This rule revises ch. Phar 8 to reduce regulatory burdens on pharmacies, while maintaining public safety. The Board has been working diligently on drafting the permanent rule associated with this project. However, the emergency rule is set to expire on February 27, 2025. The permanent rule is with the Governor's Office for approval and then will need to be submitted for review by the Legislature. Given these remaining steps, a publication and effective date have not been determined yet.

Therefore, the Pharmacy Examining Board is requesting an extension of the emergency rule to cover the anticipated gap between February 27, 2025 and when the permanent rule will be effective in order to avoid confusion for stakeholders and licensees.

Sincerely,

John Weitekamp
Chairperson
Pharmacy Examining Board

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 044-23, was approved by the Governor on June 22, 2023, published in Register 811A2 on July 10, 2023, and approved by the Pharmacy Examining Board on September 5, 2023. This emergency rule was approved by the Governor on July 11, 2024.

ORDER

An order of the Pharmacy Examining Board to create Phar 8.03 (3), amend Phar 8.04, and repeal and recreate Phar 8.07, relating to controlled substances requirements.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Pharmacy Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is: Clearinghouse Rule 21-071 went into effect on October 1, 2022. This rule repealed and recreated all of Wisconsin Administrative Code Chapter Phar 8. Upon receiving feedback and completing an additional review, the Pharmacy Examining Board has determined that additional changes are needed to Phar 8 to address areas where requirements are no longer in effect or do not match federal regulations. Emergency rules are needed to ensure that these requirements can be updated to protect patient safety and allow effective regulation of the profession until permanent rules can be promulgated.

ANALYSIS

Statutes interpreted: ss. 450.09, 450.11, and 961.31, Stats.

Statutory authority: ss. 15.08 (5) (b), 450.02 (2), 450.02 (3) (a), (d), and (e), 961.31, Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. states that “[t]he 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 (2), Stats. provides that the board shall adopt rules defining the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05.

Section 450.02 (3) (a), Stats. provides that the board “may promulgate rules [r]elating to the manufacture of drugs and the distribution and dispensing of prescription drugs.”

Section 450.02 (3) (d), Stats. provides that the board “may promulgate rules [n]ecessary for the administration and enforcement of this chapter and ch. 961.”

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

Section 961.31, Stats. provides that “[t]he pharmacy examining board may promulgate rules relating to the manufacture, distribution, and dispensing of controlled substances within this state.”

Related statute or rule: Wisconsin Administrative Code ch. Phar 7

Plain language analysis: This rule project revises ch. Phar 8 to reduce regulatory burdens on pharmacies, while maintaining public safety. These revisions include the addition of language regarding changes to controlled substances prescriptions, amendments to remove language regarding suspicious controlled substances orders, and amendments to clarify that partial dispensing of controlled substances is allowed.

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: 225 Illinois Compiled Statutes 85 outlines Illinois’ Pharmacy Practice Act. These statutes are further described in the Illinois Administrative Code Title 68 Part 1330. Included in both are requirements for pharmacy standards and pharmacy operation [225 Illinois Compiled Statutes 85, Illinois Administrative Code Title 68 Chapter VII Subchapter b Part 1330 Sections 1330.600 to 1330.800]. Illinois law also requires a pharmacist to report theft or loss of controlled substances to the board at the same time it is reported to the DEA [Illinois Administrative Code Title 68 Chapter VII Subchapter b Part 1330 Sections 1330.710].

In the Illinois Controlled Substances Act, partial filling of schedule III to V controlled substances is allowed within 6 months after the date the prescription was issued, as long as the total quantity dispensed does not exceed the total quantity prescribed and each partial fill is recorded in the same manner as a refill. Schedule II partial refills are allowed under certain circumstances. Those circumstances include if the pharmacist is unable to provide the full quantity of a prescription, then the remaining quantity may be filled within 72 hours. If the remaining quantity is not filled within 72 hours, the pharmacist shall notify the prescribing practitioner and a new prescription is required to dispense any further quantity of that medication. Other circumstances include requirements for partial filling of schedule II controlled substance prescriptions for patients in long term care facilities with a terminal illness [Illinois Administrative Code Title 77 Chapter XV Part 3100 Section 3100.420]. Illinois also allows certain changes to schedule II controlled substance prescriptions. Outside of the changing or adding the date, name of the patient, name of the prescriber or adding a signature, and the name of the drug, any other components of a schedule II controlled substance prescription may be changed after consultation with the prescriber [Illinois Administrative Code Title 77 Chapter XV Part 3100 Section 3100.400].

Iowa: The Iowa Pharmacy Board requires pharmacist to report theft or loss of controlled substances to the Iowa Board if there is reason to believe that the theft was committed by a pharmacy board licensee, otherwise it is sufficient to report the theft to the DEA [657 Iowa Administrative Code Chapter 10 Section 10.21]. Iowa allows the partial filling of schedule II controlled substance prescriptions if there is an insufficient supply on hand for the pharmacist, for a long-term care or terminally patient, or a patient or prescriber request [657 Iowa Administrative Code Chapter 10 Section 10.27]. Changes to schedule II controlled substances are allowed after consultation with the prescriber or prescriber's agent in the areas of drug strength, dosage form, drug quantity, directions for use, date the prescription was issued, or the prescriber's address or DEA registration number. The pharmacist is not allowed to change the patient's name, the controlled substance prescribed except for generic substitution, or the name or signature of the prescriber [657 Iowa Administrative Code Chapter Section 10.30].

Michigan: Michigan requires theft or diversion of a controlled substance to be reported to the Michigan Department of Licensing and Regulatory Affairs within 15 days of completion of an investigation regarding a suspected theft or significant loss of a controlled substance, whether or not it is also reported to the DEA [Michigan Administrative Rules R 338.3141]. Michigan allows partial dispensing of schedule II controlled substances when the pharmacist is unable to supply the full quantity, at the request of the patient or prescriber, or for a patient in a long-term care facility or one who has a terminal illness. When the pharmacist is unable to supply the full quantity of a schedule II controlled substance prescription, the remaining quantity must be dispensed within 72 hours. If the remaining quantity is not dispensed within 72 hours, the pharmacist is required to notify the prescriber and a new prescription is required to dispense any further quantity. When a patient or prescriber requests a partial refill of a schedule II controlled substance prescription, the remaining portion may be dispensed within 30 days after the date of the on which the prescription was written. When the

schedule II controlled substance prescription is for a patient in a long-term care facility or for one with a terminal illness, individual dosage units may be dispensed and the prescription is valid for 60 days from the issue date. Partial filling of schedule III to V controlled substances prescriptions is also allowed as long as each partial fill is recorded in the same manner as a refill, the total quantity dispensed is not more than the total prescribed, and no dispensing can occur after 6 months for the date the prescription was issued [Michigan Administrative Rules R 338.3166]. Michigan Administrative Rules do not appear to mention requirements for changes to controlled substance prescriptions.

Minnesota: Minnesota allows the partial filling of schedule II controlled substances for patients in long term care facilities or those that are terminally ill [Minnesota Administrative Code Section 6800.4300]. Pharmacists, drug wholesalers, drug manufacturers, and controlled substance researchers must report loss or theft of controlled substances to the DEA immediately [Minnesota Administrative Code Section 6800.4800]. Minnesota Administrative Rules do not appear to mention requirements for changes to controlled substance prescriptions.

Summary of factual data and analytical methodologies: The Pharmacy Examining Board completed a comprehensive review of ch. Phar 8, Requirements for Controlled Substances, in order to identify and make revisions to ensure the chapters are statutorily compliant with state and federal law and are current with professional standards and practices. The board also evaluated ch. Phar 8 for ways to reduce the regulatory impact on pharmacies without negatively impacting public safety.

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) 266-2112.

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 8.03 (3) is created to read:

Phar 8.03 (3) Pharmacists are to use professional judgement to contact prescribers for changes to controlled substances prescriptions as needed and in accordance with federal law and s. Phar 7.02 (5).

SECTION 2. Phar 8.04 is amended to read:

Phar 8.04 Notification of suspicious orders for and theft or loss of controlled substances. A pharmacy or pharmacist shall notify the board of a ~~suspicious order or series of orders for controlled substances or the~~ theft or loss of controlled substances on the same day notification is required to be provided to the drug enforcement administration. Notification to the board shall include all of the information required to be provided in the notification to the drug enforcement administration.


SECTION 3. Phar 8.07 is repealed and recreated to read:

Phar 8.07 Partial Dispensing. Partial dispensing of controlled substances is allowed in accordance with federal law.

SECTION 4. This emergency rule shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)

Dated 5/10/2024

Agency 
Chairperson
Pharmacy Examining Board



December , 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: Biennial Report Submitted in Compliance with s. 227.29 (1), Wis. 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 unauthorized rules are promulgated.
- 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 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:**

Rule	Description	Status of action taken to address
s. Phar 7.05 (2) (a) 4.	This section includes a reference to “epinephrine auto injectors.” 2023 Wisconsin Act 27 updated the terminology to “epinephrine delivery system,” among other statutory changes.	The Board has opened SS 089-24 which will address this issue.

- 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. 2023 Report Follow up

Rule	Obsolete rules or rule that have been rendered unnecessary.	Action taken to address or reason for not taking an action
Phar 15	Aligning state code with United States Pharmacopeia 2023 General Chapters 795, 797, 800, and 825	SS 007-23 has been opened to address this concern and a Preliminary Rule Draft has been drafted and approved by the Board.
Rule	Duplicative, superseded, in conflict with a statute, regulation, or ruling.	Action taken to address or reason for not taking an action
Phar 1, 6, 7, 8, 12, and 13	Aligning state code with federal Drug Supply Chain Security Act (Electronic Track and Trace Pedigree System, Drug Supply Chain Security, Manufacturer and Distributors)	A finalized version of updates to the Drug Supply Chain Security Act was effective in November 2023, but the product tracking and tracing requirements are not effective until November 2024. Upon further review, the Board has determined that no immediate changes to the Administrative Code are necessary, but will still monitor the situation going forward.
Phar 8	Controlled Substances Prescription Requirements	The Emergency rule to address this issue (EmR 2411) is effective until 02/27/2025 and a Final Rule Draft of the Permanent rule (CR 24-070) is in progress.

Sincerely,


John Weitekamp
Chairperson
Pharmacy Examining Board

**Pharmacy Examining Board
Rule Projects (updated 11/22/24)**

CH Rule Number	Scope Number	Scope Expiration Date	Code Chapter Affected	Relating Clause	Stage of Rule Process	Next Step
Not Assigned Yet	Not Assigned Yet	TBD	Phar 1. 6, 7, and 10	Pharmacy Workplace Conditions	Submission to Governor for Approval	Submission to Administrative Register for Publication
Not Assigned Yet	089-24	05/05/2027	Phar 7	Electronic Prescriptions, Prescription Labeling, CPR for Pharmacists, Epinephrine Delivery Systems, Controlled Substance Prescription Transfers, Remote Dispensing, Managing Pharmacist Definition, Initial Consultation, Alteration, and Final Check	Drafting	Board Approval of Preliminary Rule Draft for EIA Comment and Clearinghouse Review
24-070 (EmR 2411)	044-23	01/10/2026	Phar 8	Controlled Substances Requirements	Emergency Rule: Effective 10/01/24-02/27/25; Extension Request Reviewed at 12/05/25 Meeting Permanent Rule: Submitted to the Governor for Approval on 11/21/24	Emergency Rule: JCRAR Review of Extension Request Permanent Rule: Legislative Review
Not Assigned Yet	007-23	07/23/2025	Phar 15	Compounding Pharmaceuticals	Fiscal Estimate	Submission to Clearinghouse for Review; Public hearing Anticipated at 02/20/25 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: 11/15/2024 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: 12/5/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Implement 2021 Wisconsin Act 9 – Top 100 Most Prescribed Drugs – 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 <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: Please see the attached pdf relating to the 2024 Board approved most prescribed drug list.			
11) Authorization			
		11/15/2024	
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: <ol style="list-style-type: none"> 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. 			

John Weitekamp
Chairperson

Tiffany O'Hagan
Vice Chairperson

Susan Kleppin
Secretary

PHARMACY EXAMINING BOARD



4822 Madison Yards Way
PO Box 8366
Madison WI 53708-8366

Email: dsps@wisconsin.gov
Voice: 608-266-2112
FAX: 608-251-3032

*** PUBLIC NOTICE *** Under Wis. Stats. s. 450.13 (5m) (a), the Pharmacist may substitute a less expensive drug product equivalent, unless the consumer or prescribing practitioner have indicated otherwise.

*** PUBLIC NOTICE *** Under Wis. Stats. s. 450.135 (8m), the Pharmacist may substitute a less expensive interchangeable biological product, unless the consumer or prescribing practitioner have indicated otherwise. The public may access a full list of interchangeable biological products that have been approved by the Food and Drug Administration (FDA) here: <https://www.fda.gov/drugs/biosimilars/biosimilar-product-information>

*** PUBLIC NOTICE *** Under Wis. Stats. s. 450.13 (5m) (b), each pharmacy must provide notice to the public on how it may access the Pharmacy Examining Board's list of the 100 most commonly prescribed generic drug product equivalents. The public may access this list here: <https://dsps.wi.gov/Pages/BoardsCouncils/Pharmacy/Default.aspx>

TOP 100 DRUGS A TO Z BRAND NAME

BRAND NAME	DRUG GENERIC NAME	QUANTITY
ABILIFY	ARIPIRAZOLE 10MG TABLET	30
ADVAIR DISKUS	FLUTICASONE PROPIONATE/SALMETEROL DISKUS	60
AMARYL	GLIMEPIRIDE 2MG TABLET	30
AMOXIL	AMOXICILLIN 500MG CAPSULE	30
ARICEPT	DONEPEZIL 10MG TABLET	30
AUGMENTIN	AMOX TR-K CLAV 875-125 MG TABLET	20
AVAPRO	IRBESARTAN 150MG	30
BACTRIM DS	SULFAMETH/TRIMETH DS TABLET	20
BACTROBAN	MUPIROCIN OINTMENT	22 GRAM
BENICAR	OLMESARTAN 20MG TABLET	30
CATAPRES	CLONIDINE 0.1MG TABLET	90
CELEBREX	CELECOXIB 200MG CAPSULE	30
CELEXA	CITALOPRAM 20MG TABLET	30
CIPRO	CIPROFLOXACIN 500MG TABLET	20
COREG	CARVEDILOL 6.25MG TABLET	60
COUMADIN	WARFARIN 5MG TABLET	30
COZAAR	LOSARTAN 50MG TABLET	30
CRESTOR	ROSUVASTATIN 10MG TABLET	30
CYMBALTA	DULOXETINE 30MG CAPSULE	30
DELTASONE	PREDNISONE 10MG TABLET	30
DELTASONE	PREDNISONE 20MG TABLET	30
DEPAKOTE	DIVALPROEX 500MG EC TABLET	90
DESYREL	TRAZODONE 50MG TABLET	30

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DIFLUCAN	FLUCONAZOLE 150MG TABLET	1
DILANTIN	PHENYTOIN SOD EXT 100 MG CAPSULE	90
DIOVAN	VALSARTAN 80MG TABLET	30
EFFEXOR XR	VENLAFAXINE XR 75MG CAPSULE	30
ELIQUIS	APIXABAN 5MG TABLET	30
FLAGYL	METRONIDAZOLE 500MG TABLET	20
FLEXERIL	CYCLOBENZAPRINE 10MG TABLET	30
FLOMAX	TAMSULOSIN 0.4MG CAPSULE	30
FLONASE	FLUTICASONE 50MCG NASAL	16 GRAM
FLOVENT HFA	FLUTICASONE HFA 110MCG INHALER	12 GRAM
FOLVITE	FOLIC ACID 1MG TABLET	30
FOSAMAX	ALENDRONATE 70MG TABLET	4
GLUCOPHAGE	METFORMIN HCL 1,000 MG TABLETLET	60
GLUCOPHAGE	METFORMIN HCL 500 MG TABLETLET	60
GLUCOPHAGE XR	METFORMIN ER 500MG TABLET	60
GLUCOTROL XL	GLIPIZIDE ER 10MG TABLET	30
GLUCOTROL XL	GLIPIZIDE ER 5MG TABLET	30
HYDRODIURIL	HYDROCHLOROTHIAZIDE 12.5MG CAPSULE	30
HYDRODIURIL	HYDROCHLOROTHIAZIDE 25MG TABLET	30
IMITREX	SUMATRIPTAN 100MG TABLET	9
JANUVIA	SITAGLIPTAN 100MG TABLET	30
K-DUR	POTASSIUM 20MEQ TABLET	30
KEFLEX	CEPHALEXIN 500MG CAPSULE	28
LAMICTAL	LAMOTRIGINE 25MG TABLET	30
LAMISIL	TERBINAFINE 250MG TABLET	30
LASIX	FUROSEMIDE 20MG TABLET	30
LASIX	FUROSEMIDE 40MG TABLET	30
LEXAPRO	ESCITALOPRAM 10MG TABLET	30
LIPITOR	ATORVASTATIN 10MG TABLET	30
LIPITOR	ATORVASTATIN 20MG TABLET	30
LOPRESSOR	METOPROLOL 50MG TABLET	60
LYRICA	PREGABALIN 50MG CAPSULE	60
MACROBID	NITROFURANTOIN MONO 100MG CAPSULE	14
MAXZIDE	TRIAMTERENE/HCTZ 37.5MG TABLET	30
MOBIC	MELOXICAM 15MG TABLET	30
MOTRIN	IBUPROFEN 600MG TABLET	90
MOTRIN	IBUPROFEN 800MG TABLET	90
NAPROSYN	NAPROXEN 500MG TABLET	60
NEURONTIN	GABAPENTIN 300MG CAPSULE	90
NEXIUM	ESOMEPRAZOLE 40MG CAPSULE	30
NORVASC	AMLODIPINE 10MG TABLET	30
PAXIL	PAROXETINE 20MG TABLET	30
PLAVIX	CLOPIDOGREL 75MG TABLET	30
PRAVACHOL	PRAVASTATIN 20MG TABLET	30
PRILOSEC	OMEPRAZOLE 20MG CAPSULE	30
PROCARDIA XL	NIFEDIPINE ER 30MG TABLET	30
PROSCAR	FINASTERIDE 5MG TABLET	30
PROTONIX	PANTOPRAZOLE 40MG TABLET	30
PROZAC	FLUOXETINE 20MG CAPSULE	30
RISPERDAL	RISPERIDONE 1MG TABLET	30
SEROQUEL	QUETIAPINE 100MG TABLET	30

John Weitekamp
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SINGULAIR	MONTELUKAST SOD 10 MG TABLET	30
SYNTHROID	LEVOTHYROXINE 100MCG	30
SYNTHROID	LEVOTHYROXINE 50MCG	30
TENORMIN	ATENOLOL 25MG TABLET	30
TENORMIN	ATENOLOL 50MG TABLET	30
TOPAMAX	TOPIRAMATE 50MG TABLET	30
TOPROL XL	METOPROLOL XL 50MG TABLET	30
TRICOR	FENOFIBRATE 145MG TABLET	30
V-CILLIN-K	PENICILLIN -VK 500MG TABLET	40
VALTREX	VALACYCLOVIR 500MG TABLET	30
VASOTEC	ENALAPRIL 10MG TABLET	30
VENTOLIN INHALER	ALBUTEROL HFA INHALER	18 GRAM
VIBRAMYCIN	DOXYCYCLINE 100MG CAPSULE	30
WELLBUTRIN SR	BUPROPION SR 150MG TABLET	60
XALATAN	LATANOPROST 0.005% DROPS	2.5 ML
XARELTO	RIVAROXABAN 20MG TABLET	30
ZESTORETIC	LISINAPRIL/HCTZ 20/12.5MG	30
ZESTRIL	LISINAPRIL 10MG TABLET	30
ZESTRIL	LISINAPRIL 20MG TABLET	30
ZETIA	EZETIMIBE 10MG TABLET	30
ZITHROMAX	AZITHROMYCIN 250MG TABLET	6
ZOCOR	SIMVASTATIN 20MG TABLET	30
ZOCOR	SIMVASTATIN 40MG TABLET	30
ZOLOFT	SERTRALINE 100MG TABLET	30
ZOLOFT	SERTRALINE 50MG TABLET	30
ZYLOPRIM	ALLOPURINOL 100MG TABLET	30
ZYPREXA	OLANZAPINE 5MG TABLET	30

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

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3) Name of Board, Committee, Council, Sections: Pharmacy Examining Board			
4) Meeting Date: 11/15/2024	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration 1) 2025 Tri-Regulator Symposium and Opioid Regulatory Collaborative Summit. March 6-7, 2025, Tyson’s Corner, VA 2) Travel Request: 121 st NABP Annual Meeting, May 13-16, 2025, Ft. Lauderdale, FL	
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 checked="" 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: <p><u>2025 Tri-Regulator Symposium and Opioid Regulatory Collaborative Summit</u> Join us for two-days of meetings Thursday March 6 and Friday March 7, 2025, for a gathering of attendees from across the country for the opportunity for education, networking and sharing of ideas. Please also join us for a networking reception on Thursday evening.</p> <p>2025 Tri -Regulator Symposium hosted by the Federation of State Medical Boards (FSMB), the National Association of Boards of Pharmacy (NABP), and the National Council of State Boards of Nursing (NCSBN), this sixth Tri-Regulator Symposium offers one day of presentations and open forums on topics of high importance to the future of US health care. While each of the three organizations is autonomous with their own membership and advocacy goals, all share common values and a deep commitment to public health protection. Recognizing this, FSMB, NABP, and NCSBN formed the Tri-Regulator Collaborative in order to advance dialogue and build consensus on issues of state-based licensure and regulation. This day will provide the opportunity to discuss interprofessional cooperation and the challenges facing state medical, nursing and pharmacy boards.</p> <p>2025 Opioid Regulatory Collaborative (ORC) Summit. The regulatory boards that license U.S. physicians, pharmacists, nurses and dentists have established the ORC in an effort to bring new resources and strategies to the nation’s opioid epidemic response. Composed of leaders from the American Association of Dental Boards (AADB), the Federation of State Medical Boards (FSMB), the National Association of Boards of Pharmacy (NABP) and the National Council of State Boards of Nursing (NCSBN), the Collaborative aims to reduce opioid substance use disorder among the public as well as health care practitioners.</p> <p><u>121st NABP Annual Meeting</u> The 121st NABP Annual Meeting, “Regulating Technology for New Pharmacy Frontiers,” provides board of pharmacy members and staff, as well as other stakeholders, with an opportunity to take an active role in protecting the public health. Held at the Fort Lauderdale Marriott Harbor Beach Resort, this gathering serves as the venue for the boards of pharmacy to:</p> <ul style="list-style-type: none"> • elect officers and members to the NABP Executive Committee; • review and vote on amendments to the NABP Constitution and Bylaws; • discuss and vote on NABP policies via proposed resolutions; and • guide the direction of the Association. <p>In addition to the important business sessions, attendees can participate in continuing pharmacy education activities and interact with exhibitors in the Tabletop Exhibits area. There will also be time for networking with colleagues during the President’s Welcome Reception, NABP Networking Lunch, and during the Networking Café each morning. Colleagues who have contributed to pharmacy regulation and public health protection will be honored during the NABP Leadership Awards, so be sure to submit your nominations by December 31, 2024.</p>			

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

Board will nominate members and DSPS staff via motion to attend the meeting.

11) Authorization



11/15/2024

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

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