

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Pharmacy Examining Board to amend Phar 1.01 and Phar 1.02 (intro.) relating to authority and definitions.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 450.03 (2) (b), Stats.

Statutory authority: s. 15.08 (5) (b), Stats.

Explanation of agency authority:

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define an enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. {s. 15.08 (5) (b), Stats.}

Related statute or rule: n/a

Plain language analysis:

Currently the authority and definition sections indicate the authority and definitions apply to chapters Phar 1 to 16. Chapter Phar 17 Pharmacy Internship was created in 2002 and that rulemaking order inadvertently did not expand the authority and definitions to include ch. Phar 17. This rule clarifies the authority and definition extend to ch. 17.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois requires approved educational programs to contain an externship and clerkship experience.

Iowa: Iowa has administrative rules governing pharmacist internships.

Michigan: Michigan has administrative rules governing pharmacist internships.

Minnesota: Minnesota has administrative rules governing pharmacist internships.

Summary of factual data and analytical methodologies:

This rule is for clarification that the authority and definitions apply to all of the Pharmacy Code chapters.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule revises the authority and definition chapter to apply to all of the pharmacy code chapters and does not have an economic impact.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on January 9, 2018 at 11:00 a.m. to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Phar 1.10 and 1.02 (intro.) are amended to read:

Phar 1.01 Authority. Rules in chs. Phar 1 to ~~16~~ 17 are adopted under authority of ss. 15.08 (5) (b), 227.11 (2), Stats, and ch. 450, Stats.

Phar 1.02 Definitions. As used in chs. Phar 1 to ~~16~~ 17:

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Phar 1

3. Subject

Authority and Definitions

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Currently the authority and definition sections indicate the authority and definitions apply to chapters Phar 1 to 16. Chapter Phar 17 Pharmacy Internship was created in 2002 and that rulemaking order inadvertently did not expand the authority and definitions to include ch. Phar 17. This rule clarifies the authority and definition extend to ch. 17.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule was posted for economic comments and none were received.

11. Identify the local governmental units that participated in the development of this EIA.

None

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will not have a fiscal or economic impact.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit is clarifying the authority and definitions apply to all Phar chapters.

14. Long Range Implications of Implementing the Rule

The long range implication is the authority and definitions will apply to all Phar chapters.

15. Compare With Approaches Being Used by Federal Government

None.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

The comparison was based upon the subject matter of Phar 17.

Illinois: Illinois requires approved educational programs to contain an externship and clerkship experience.

Iowa: Iowa has administrative rules governing pharmacist internships.

Michigan: Michigan has administrative rules governing pharmacist internships.

Minnesota: Minnesota has administrative rules governing pharmacist internships.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

17. Contact Name

Sharon Henes

18. Contact Phone Number

(608) 261-2377

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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