

# STATEMENT OF SCOPE

## PHARMACY EXAMINING BOARD

Rule No.: Phar 2

Relating to: Endorsement requirements for pharmacists

Rule Type: Emergency

### 1. Finding/nature of emergency (Emergency Rule only):

On March 25, 2020, the Pharmacy Examining Board granted a variance of s. 450.03 (1), Stats., pursuant to s. 450.02 (3m) (b), Stats., to allow pharmacists who are licensed in good standing in other states, United States territories and the District of Columbia to practice pharmacy in the state of Wisconsin without a Wisconsin license. The purpose of the variance was to compensate for a shortage of pharmacy staff during the pandemic. The variance was in effect for 90 days. Subsequently, the provisions of the variance were superseded by Emergency Order #16 and it was rescinded on April 3, 2020. Then 2019 Act 185 was signed into law which expired on June 10, 2020. On June 4, 2020, the Pharmacy Examining Board reviewed and reissued the variance until August 1, 2020. On July 23, 2020 the Pharmacy Examining Board determined that the requirements of s. 450.02(3m)(b), Stats. were met and extended the variance for another 90 days.

The Pharmacy Examining Board has received information from stakeholders that there remains a shortage of pharmacy staff and the inability to receive a license due to the impact the pandemic has had on the availability of the multi-state pharmacy jurisprudence examination. The Pharmacy Examining Board determines that the preservation of the public health and safety necessitates an emergency rule to temporarily suspend the requirement for applicants who hold a license in another state from taking the multi-state pharmacy jurisprudence examination with Wisconsin as primary state.

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

The objective of the rule is to remove the multi-state pharmacy jurisprudence examination requirement for applicants who hold a license in another jurisdiction.

### 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:

Current rule requires an applicant who holds a license in another jurisdiction to pass the multi-state pharmacy jurisprudence examination in order to obtain a Wisconsin license. This rule would temporarily remove this requirement in order to reduce the delay in applicant's obtaining a Wisconsin license. This is necessary to address the pharmacist workforce shortage during the pandemic.

The Pharmacy Examining Board granted a variance of s. 450.03 (1), Stats., pursuant to s. 450.02 (3m) (b), Stats., to allow pharmacists who are licensed in good standing in other states, United States territories and the District of Columbia to practice pharmacy in the state of Wisconsin without a Wisconsin license. The purpose of the variance was to compensate for a shortage of pharmacy staff during the pandemic. The variance had been extended. At this time the Pharmacy Examining Board is pursuing an emergency rule to address the obstacle for pharmacists who hold a license in another state to obtain a Wisconsin license.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

s. 15.08(5)(b), Stats. Each examining 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.

s. 450.02 (2), Stats. The board shall adopt rules defining the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05, Stats.

s. 450.02(3)(d) and (e), Stats. The board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961 and establishing minimum standards for practice of pharmacy.

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

60 hours

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

Pharmacist applicants

**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:**

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

No anticipated economic impact of implementing the rule and the rule is not likely to have a significant economic impact on small businesses.

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Authorized Signature

September 30, 2020

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Date Submitted