



**CONTROLLED SUBSTANCES BOARD
VIRTUAL/TELECONFERENCE
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
March 12, 2021**

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes from January 15, 2021 (4-9)**
- C. Reminders: Conflicts of Interests, Scheduling Concerns**
- D. Introductions, Announcements and Recognition – Discussion and Consideration**
 - 1) New Member: Herbert Kaske, Dentistry Examining Board Representative
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
- F. Administrative Rule Matters – Discussion and Consideration (10)**
 - 1) Review and Consider Scope Statement for CSB 2.78 relating to Scheduling Crotonyl Fentanyl **(11-12)**
 - 2) Review and Consider Scope Statement for CSB 2.79 Relating to Scheduling Remimazolam **(13-14)**
 - 3) Review and Consider Proposed Survey Questions for Law Enforcement Hearing Follow-Up
 - 4) Review and Consider Proposals for Report Required Under s. 227.29, Stats.
 - 5) Status Updates on Pending Rules
 - 6) Pending and Possible Rulemaking Projects

G. Prescription Drug Monitoring Program (PDMP) Update – Discussion and Consideration (15)

- 1) WI ePDMP Operations
 - a. Recent and Upcoming Releases **(16-17)**
 - b. EHR Integration Status **(18)**
 - c. Proactive Prescribing Metrics Notifications and Removing Buprenorphine from Calculation **(19)**
 - d. Interstate Data Sharing **(20)**
- 2) Updates on Interstate Data Integration Projects (VA & Appriss, RxCheck, & eHealth)
 - a. VA and Appriss Health
 - b. RxCheck and eHealth Exchange Pilot
- 3) WI ePDMP Outreach **(21)**

H. Board Member Reports – Discussion and Consideration

- 1) Medical Examining Board
- 2) Dentistry Examining Board
- 3) Board of Nursing
- 4) Pharmacy Examining Board

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

J. Deliberation on Special Use Authorizations – Discussion and Consideration

K. 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) Appearances from Requests Received or Renewed
- 14) Speaking Engagements, Travel, or Public Relations Requests, and Reports
- 15) Consulting with Legal Counsel

L. 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.).

M. Deliberation on Special Use Authorizations – Discussion and Consideration

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: MAY 14, 2021

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. To confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
JANUARY 15, 2021**

PRESENT: Subhadeep Barman, Yvonne Bellay, Alan Bloom, Padmaja Doniparthi, Doug Englebert, Peter Kallio, John Weitekamp

EXCUSED: Herbert Kaske, Sandy Koresch

(Dr. Padmaja Doniparthi served as the representative for the Medical Examining Board at this meeting. Dr. David Bryce was present at the meeting but did not attend as a voting member.)

STAFF: Carl Hampton, Administrator, Division of Policy Development; Adam Barr, Executive Director; Jameson Whitney, Board Legal Counsel; Jon Derenne, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other DSPS Staff

CALL TO ORDER

Doug Englebert, Chairperson, called the meeting to order at 9:30 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Peter Kallio moved, seconded by Alan Bloom, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

November 13, 2020

MOTION: Peter Kallio moved, seconded by Yvonne Bellay, to adopt the Minutes of November 13, 2020 as published. Motion carried unanimously.

December 7, 2020

MOTION: Peter Kallio moved, seconded by Yvonne Bellay, to adopt the Minutes of December 7, 2020 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Herbert Kaske, Dentistry Examining Board Representative

MOTION: Peter Kallio moved, seconded by Alan Bloom, to recognize and thank Leonardo Huck for his years of service as the Dentistry Examining Board representative to the Controlled Substances Board. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Alan Bloom nominated Doug Engelbert for the Office of Chairperson.

Carl Hampton, Administrator, Division of Policy Development, called for nominations three (3) times.

Doug Englebert was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Yvonne Bellay nominated Alan Bloom for the Office of Vice Chairperson.

Carl Hampton, Administrator, Division of Policy Development, called for nominations three (3) times.

Alan Bloom was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Peter Kallio nominated Yvonne Bellay for the Office of Secretary.

Carl Hampton, Administrator, Division of Policy Development, called for nominations three (3) times.

Yvonne Bellay was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Doug Englebert
Vice Chairperson	Alan Bloom
Secretary	Yvonne Bellay

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Special Use Authorization (SUA) Liaison(s)	Alan Bloom, Yvonne Bellay
PDMP Liaison(s)	Subhadeep Barman <i>Alternates:</i> Padmaja Doniparthi,

	John Weitekamp-Pharmacy Issues
Legislative Liaison(s)	Doug Englebert <i>Alternate:</i> Peter Kallio
SCAODA Representative	Subhadeep Barman
Referral Criteria Workgroup	Doug Englebert, Peter Kallio, John Weitekamp Subhadeep Barman

Delegation of Authorities

Document Signature Delegations

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Yvonne Bellay, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Barman moved, seconded by Bellay, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Special Use Authorization Liaison(s) Delegation

MOTION: Peter Kallio moved, seconded by Subhadeep Barman, to authorize the SUA Liaison(s) to review and make approval decisions regarding SUA applications and approve required training or credentialing on behalf of the Board. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by John Weitekamp, to authorize the SUA Liaison(s) to make all decisions related to Special Use Authorizations. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: John Weitekamp moved, seconded by Alan Bloom, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Peter Kallio moved, seconded by Yvonne Bellay, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

SCAODA Representative Delegation

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, to authorize the SCAODA representative to vote on behalf of the Board at the State Council on Alcohol and Other Drug Abuse meetings. Motion carried unanimously.

PDMP Liaison(s) Delegation

MOTION: Peter Kallio moved, seconded by Yvonne Bellay, to authorize PDMP Liaison(s) to make individual decisions on behalf of the Board when waiting for a Board meeting would unreasonably delay the development, testing, deployment, or operation of the PDMP. The Board also grants the PDMP liaison the authority to suspend access to the PDMP pursuant to CSB § 4.09(3). Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Review and Consider Clearinghouse and Public Hearing Comments for CSB 4 Relating to Designating Gabapentin as a Monitored Substance

MOTION: Subhadeep Barman moved, seconded by Bloom, to accept all Clearinghouse comments for Clearinghouse Rule #19-156, relating to designating gabapentin as a monitored substance. Motion carried unanimously.

MOTION: Subhadeep Barman moved, seconded by Peter Kallio, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-156, relating to designating Gabapentin as a monitored substance, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Clearinghouse and Public Hearing Comments for CSB 2.77 Relating to Scheduling Flualprazolam

MOTION: Yvonne Bellay moved, seconded by Subhadeep Barman, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-079, relating to scheduling of flualprazolam, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Clearinghouse and Public Hearing Comments for CSB 2.71 Relating to Scheduling Lasmiditan

MOTION: Peter Kallio moved, seconded by Alan Bloom, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-058, relating to scheduling of lasmiditan, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Clearinghouse and Public Hearing Comments for CSB 2.73 Relating to Scheduling Cenobamate

MOTION: Yvonne Bellay moved, seconded by Padmaja Doniparthi, to accept all Clearinghouse comments for Clearinghouse Rule #20-075, relating to scheduling of cenobamate. Motion carried unanimously.

MOTION: Yvonne Bellay moved, seconded by Padmaja Doniparthi, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-075, relating to scheduling of cenobamate, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Clearinghouse and Public Hearing Comments for CSB 2.74 Relating to Scheduling Lemborexant

MOTION: Subhadeep Barman moved, seconded by Alan Bloom, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-076, relating to scheduling of lemborexant, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Clearinghouse and Public Hearing Comments for CSB 2.75 Relating to Removing FDA Approved Cannabidiol from Schedule V and Exempting it from Schedule I

MOTION: Subhadeep Barman moved, seconded by Peter Kallio, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-077, relating to removing FDA approved cannabidiol from schedule V and exempting it from schedule I, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Clearinghouse and Public Hearing Comments for CSB 2.76 Relating to Scheduling Norfentanyl

MOTION: Padmaja Doniparthi moved, seconded by Bellay, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-078, relating to scheduling norfentanyl, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review and Consider Statement for CSB 2.80 Relating to Scheduling Oliceridine

MOTION: Peter Kallio moved, seconded by Alan Bloom, to approve the Scope Statement on rule CSB 2.80 relating scheduling oliceridine for submission to

the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

Law Enforcement Hearing Follow Up Discussion

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, to direct DSPS staff to draft and send thank you notes to members of the public who provided input at the November 13, 2020 Controlled Substances Board Law Enforcement Hearing. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Alan Bloom, to direct DSPS staff to develop a survey to solicit information from members of Law Enforcement on drug trends so the Controlled Substances Board can appropriately schedule drugs as necessary, and to delegate to the Chairperson to appoint a Board member to assist DSPS staff. Motion carried unanimously.

Review of Administrative Rules under s. 227.29, Stats.

MOTION: Peter Kallio moved, seconded by Alan Bloom, to designate Sandy Koresch, Alan Bloom, Yvonne Bellay, Subhadeep Barman and John Weitekamp to serve as liaisons to DSPS staff for drafting a report pursuant to Wis. Stat. s. 227.29 for submission in 2021, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) UPDATE

Updates on Interstate Data Integration Projects (VA & Appriss, RxCheck, & eHealth)

MOTION: Peter Kallio moved, seconded by Subhadeep Barman, to require all approved PDMP-EHR integration intermediaries and all approved third party analytics tools to present the monitored prescription drug history report created by the PDMP system in accordance with Wis. Admin. Code CSB 4 and Wis. Stat. § 961.385, including prescription information, reports from law enforcement agencies and healthcare professionals, PDMP system-generated analytics alerts, and all other information included on the monitored prescription drug history report with the exception being the integration with the Veterans Health Administration required to maintain compliance with 38 U.S Code § 1730B. Motion carried unanimously.

ADJOURNMENT

MOTION: Peter Kallio moved, seconded by John Weitekamp, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:34 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Cassandra Walbrun, Administrative Rules Coordinator		2) Date when request submitted: March 2, 2021 <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: March 12, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Review and consider scope statement for CSB 2.78 relating to scheduling crotonyl fentanyl. 2. Review and consider scope statement for CSB 2.79 relating to scheduling remimazolam. 3. Review and consider proposed survey questions for law enforcement hearing follow-up. 4. Review and consider proposals for report required under s. 227.29, Stats. 5. Status updates on pending rules. 6. Pending and possible rulemaking matters.	
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:			
11) Signature of person making this request <i>Kassandra Walbrun</i>		Authorization	Date 3/2/2021
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.			

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2.78

Relating to: Scheduling Crotonyl Fentanyl

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 schedule Crotonyl Fentanyl as a schedule I controlled substance 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 October 2, 2020, the Department of Justice, Drug Enforcement Administration published a final rule in the Federal Register placing Crotonyl Fentanyl into schedule I of the federal Controlled Substances Act. The scheduling action was effective October 2, 2020.

The Controlled Substances Board did not receive an objection to similarly treating Crotonyl Fentanyl as a schedule I controlled substance under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating Crotonyl Fentanyl as a controlled substance.

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. 961.19 and omitting the notice of proposed rule making, designating Crotonyl Fentanyl as a schedule I controlled substance.

Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat Crotonyl Fentanyl under ch. 961, Stats. by creating the following:

961.14 (2) (nd) 9m. Crotonyl Fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide).

The order took effect on November 23, 2020 following publication in the Administrative Register. The order expires upon promulgation of a permanent rule, which will be promulgated under this scope statement.

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, Department 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 October 2, 2020, the Department of Justice, Drug Enforcement Administration published a final rule in the Federal Register placing Crotonyl Fentanyl into schedule I of the federal Controlled Substances Act. The scheduling action was effective October 6, 2020.

8. Anticipated economic impact of implementing the rule:

None to minimal.

Contact Person: Kassandra Walbrun, Administrative Rules Coordinator, (608) 261-4463, DSPSAdminRules@wisconsin.gov

Approved for Publication:

Chairperson

Date Submitted

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2.79

Relating to: Scheduling Remimazolam

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 schedule Remimazolam as a schedule IV controlled substance 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 October 6, 2020, the Department of Justice, Drug Enforcement Administration published an interim final rule in the Federal Register placing Remimazolam into schedule IV of the federal Controlled Substances Act. The scheduling action is effective October 6, 2020.

The Controlled Substances Board did not receive an objection to similarly treating Remimazolam as a schedule IV under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating Remimazolam as a controlled substance.

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. 961.19 and omitting the notice of proposed rule making, designating Remimazolam as a schedule IV controlled substance.

Pursuant to s. 961.11 (4), Stats., the Controlled Substances Board took affirmative action to similarly treat Remimazolam under ch. 961, Stats. by creating the following:

961.20 (2) (mo) Remimazolam.

The order took effect on November 23, 2020 following publication in the Administrative Register. The order expires upon promulgation of a permanent rule, which will be promulgated under this scope statement.

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 Rev. 3/6/2012

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, Department 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 October 6, 2020, the Department of Justice, Drug Enforcement Administration published an interim final rule in the Federal Register placing Remimazolam into schedule IV of the federal Controlled Substances Act. The scheduling action was effective October 6, 2020.

8. Anticipated economic impact of implementing the rule:

None to minimal.

Contact Person: Kassandra Walbrun, Administrative Rules Coordinator, (608) 261-4463, DSPSAdminRules@wisconsin.gov

Approved for Publication:

Chairperson

Date Submitted

**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: 03/01/2021 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: Controlled Substances Board			
4) Meeting Date: 03/12/2021	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: <ol style="list-style-type: none"> 1. WI ePDMP Operations <ol style="list-style-type: none"> a. Recent and Upcoming Releases b. EHR Integration Status c. Proactive Prescribing Metrics Notifications & Removing Buprenorphine From Calculation d. Interstate Data Sharing 2. Updates on Interstate Data Integration Projects <ol style="list-style-type: none"> a. VA & Appriss Health b. RxCheck & eHealth Exchange Pilot 3. WI ePDMP Outreach 			
11) Signature of person making this request <i>Marjorie Liu</i>		Authorization	Date 03/01/2021
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: <ol style="list-style-type: none"> 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. 			

2019-2021 Development and Release Summary

Updated 2.25.2021

Release Date	Description
Pending	
<p>Harold Rogers Grant 2020 Component 1 Release Date TBD</p>	<p>Security Enhancements</p> <ul style="list-style-type: none"> • Multi-Factor Authentication • Proactive Behavioral Based Alerts • Compromised Email Address Check <p>Patient Report and other User Experience Updates Research and analysis of possible GIS mapping changes</p>
<p>R20 Estimated for March 2020</p>	<p>WI DOJ-Medical College of Wisconsin DataShare Project</p> <ul style="list-style-type: none"> • Automatically send data extracts to DOJ-MCW • Automatically receive data extracts from DOJ-MCW <p>Administrative-Related Enhancements</p> <ul style="list-style-type: none"> • Additional improvements to query process • Additional administrator tools
Completed	
<p>R19 September 2020</p>	<p>New Design Enhancements</p> <ul style="list-style-type: none"> • Enhanced MME calculation process • Ability to set map display defaults <p>Administrative-Related Enhancements</p> <ul style="list-style-type: none"> • Improvements to query approval process <p>Search Engine Optimization Updates to non-user facing parts of the PDMP to optimize search engine results</p>
<p>R18 July 2020</p>	<p>New Design Enhancements</p> <ul style="list-style-type: none"> • Updated layout and design of Patient Report including alerts and dispensing details, based on user feedback • Opioid naïve alert; history of buprenorphine alert <p>Additional EHR Enhancements</p> <ul style="list-style-type: none"> • Multi-state default settings <p>Prescriber Metrics Notifications Proactive notice to prescribers to review metrics, based on time and/or prescribing thresholds</p>
<p>R17.1 April 2020</p>	<p>Pharmacy-Related Enhancements</p> <ul style="list-style-type: none"> • Display of Date Sold, if provided in the submission • ASAP file processing improvements

<p>R17 March 2020</p>	<p>Pharmacy-Related Enhancements</p> <ul style="list-style-type: none"> • Improvements to workflow for error corrections/void • Display of Date Sold, if provided in the submission <p>New Design Enhancements</p> <ul style="list-style-type: none"> • Better access to history of recent Patient Reports for Delegates • Additional data element on overdose alerts entered by law enforcement to capture administration of Naloxone • MME calculator <p>Additional EHR Enhancements</p> <ul style="list-style-type: none"> • Expanded patient search from within EHR • Expanded navigation from within EHR
<p>R16 Dec 2019</p>	<p>Patients Panel Improvements</p> <ul style="list-style-type: none"> • Additional data fields EHR Enhancements • Additional state query from within the EHR, as contractually allowable (initially RxCheck states only) • Delegate Management ability from within EHR • Ability of Delegates to identify as licensed/unlicensed
<p>Minor Interim Release Oct 2019</p>	<p>Patient matching updates</p> <ul style="list-style-type: none"> • Specific improvement for linking patients based on nicknames
<p>R15.1 Sept 2019</p>	<p>Performance-Related Enhancements</p> <ul style="list-style-type: none"> • Performance improvements for Medical Coordinator role
<p>R15 Aug 2019</p>	<p>User Management Enhancements</p> <ul style="list-style-type: none"> • Annual acceptance of Term and Conditions of the WI ePDMP • Renewal process for Medical Coordinator access to metrics • Periodic review of linked delegates
<p>R14 April 2019</p>	<p>RxCheck</p> <ul style="list-style-type: none"> • Technical tasks to establish connection to RxCheck interstate data sharing hub
<p>R12 and R13 March 2019</p>	<p>Data Quality Software Stability Work</p> <ul style="list-style-type: none"> • Technical tasks to simplify workflows and improve identification/resolution of workflow issues
<p>R11 February 2019</p>	<p>DHS Extract</p> <ul style="list-style-type: none"> • Addition of patient geocode latitude and longitude <p>Quality Assurance and Support Items</p>

WI ePDMP Integration Services Summary

Current as of 2.25.2021

Pending Health Systems and EHR Platforms
Advanced Pain Management (In Development)
ADVENT (In Development)
Athena (In Discussion)
DrFirst (In Discussion)
Essentia (In Discussion/Contracting)
Marshfield EHR System Change (In Discussion/Contracting)
NOVO Health Technology Group (In Development)
Prairie Clinic (In Discussion)
Connected Health Systems (approx. 50% of monthly patient queries)
Ascension Wisconsin
Aspirus Health Care
Aurora Health Care
Children's Hospital of Wisconsin
Froedtert & the Medical College of Wisconsin
GHC of South Central Wisconsin
Gundersen Health System
HealthPartners
HSHS / Prevea Health
Marshfield Clinic
Mayo Clinic
Mercy Health
Monroe Clinic
ProHealth Care
SSM Health
Thedacare
UnityPoint
UW Health
Wisconsin Statewide Health Information Network

Proactive Prescribing Metrics Notification			
Notification	10/1/2020	11/16/2020	1/13/2021
Prescriber Metrics not viewed within last 90 days	23,363 (66% of 34,949 Prescribers)	15,233 (43% of 35,219 Prescribers)	19,367 (54% of 35,516 Prescribers)
Opioid Prescription Orders Percentile > 95	0	836	458
Benzodiazepine Prescription Orders Percentile > 95	0	701	356
Stimulant Prescription Orders Percentile > 95	0	507	355

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

2021 WI PDMP Outreach Calendar

MONTH	EVENT	DESCRIPTION	DATES	NOTES
January				
February				
March	Law Enforcement Outreach	Self-Paced PDMP Training, Lake Delton PD	By End of March	PowerPoint Presentation w/ Voice-over
April	Rx Drug Abuse & Heroin Summit	Panelist, PDMP & Patient Privacy	4/6/2021	Virtual Conference
May	WI Overdose Fatality Review Spring Summit	Presenter	TBD	TBD
June				
July				
August				
September				
October				
November				
December				