

Tony Evers  
Governor



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Karen E. Timberlake  
Secretary

**State of Wisconsin  
Department of Health Services**

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December 28, 2022

John G. Weitekamp, R.Ph., Chair  
Pharmacy Examining Board  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8366

Dear Mr. Weitekamp,

This letter is a variance request related to distribution of antiviral medication.

On December 21<sup>st</sup>, 2022 the U.S. Department of Health and Human Services (HHS), through the Administration for Strategic Preparedness and Response (ASPR), announced that they are making additional supply of Tamiflu available to jurisdictions to respond to an increased demand for the antiviral during this flu season, including through the Strategic National Stockpile (SNS). The Department of Health Services is requesting a variance of Wis. Stats., § 450.72 (2) for the distribution of the antiviral medications Tamiflu.

I am requesting this variance in accordance with 450.02 (3m) a. 2. Based on the following.

- The current shortage of Tamiflu has created an emergency for long term care facilities that have outbreaks of influenza where many residents need prophylaxis.  
<https://www.hhs.gov/about/news/2022/12/21/hhs-increases-access-to-tamiflu-through-the-strategic-national-stockpile.html>
- There continues to be a shortage of Tamiflu <https://www.ashp.org/drug-shortages/current-shortages/drug-shortage-detail.aspx?id=881&loginreturnUrl=SSOCheckOnly>
- We have a stockpile of Tamiflu with extended dating that can be distributed immediately to local health departments which can be provided to local long term care facilities when outbreaks are immediately reported.

Sincerely,

*Doug Englebert (e)*

Doug Englebert, R.Ph.  
Pharmacy Practice Consultant  
Division of Quality Assurance, Department of Health Services

**Pharmacy Examining Board**

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**Tony Evers, Governor**  
**Dan Hereth, Secretary**

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December 28, 2022

Doug Englebert, R.Ph.  
Wisconsin Department of Health Services  
Division of Quality Assurance  
1 West Wilson Street  
Madison, WI 53701

RE: Request for Variance pursuant to Wis. Stat. § 450.02(3m)

Dear Mr. Englebert,

The Pharmacy Examining Board (Board) received your request for a variance of Wis. Stat. § 450.072(2) to distribute the antiviral medication Tamiflu. Based upon the information that you provided to the Board and having determined that the requirements of Wis. Stat. § 450.02(3m) have been met, I hereby grant the requested variance as follows:

1. This variance relates only to the requirements under Wis. Stat. § 450.072(2).
2. This variance is granted for a period of 90 days. Extensions may be granted if the Board determines that it is necessary to protect the public health, safety or welfare.
3. This variance is granted only for the distribution of the antiviral drug – Tamiflu.

If you have any questions regarding this matter, please contact the Board's Executive Director Brad Wojciechowski at [brad.wojciechowski@wisconsin.gov](mailto:brad.wojciechowski@wisconsin.gov).

Sincerely,

Tiffany O'Hagan  
Variance Liaison  
Pharmacy Examining Board