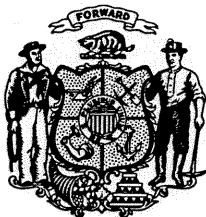


## WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-047**

AN ORDER to amend Phar 7.01 (1) (e), relating to the delivery of prescriptions.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-06-00 RECEIVED BY LEGISLATIVE COUNCIL.

04-03-00 REPORT SENT TO AGENCY.

RS:DD:rv;tlu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

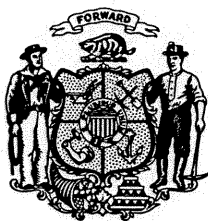
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 00-047

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

As drafted, the rule permits a patient to designate more than one alternative location for delivery. Is that the intent? Should any limits be placed on the number and nature of alternative locations?



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

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March 6, 2000

TO: Ron Sklansky, Director  
Rules Clearinghouse  
Wisconsin Legislative Council  
1 East Main Street, Suite 401

FROM: Pamela A. Haack, Paralegal  
Office of Administrative Rules  
Department of Regulation and Licensing  
Room 171, 1400 East Washington Avenue  
(608) 266-0495

RE: Proposed Rule-Making Order of the Pharmacy Examining Board

Attached please find a proposed rule-making order of the Pharmacy Examining Board submitted under s. 227.15, Wis. Stats. The proposed order contains citations to the statutory authority under which the board intends to adopt the proposed rules and a description of the effect of the proposal.

Please stamp or sign a copy of this letter to acknowledge receipt. Please call me at 266-0495 if I can be of any assistance to the Clearinghouse in reviewing this rule.

Thank you.

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

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 00- )

---

PROPOSED ORDER

An order of the Pharmacy Examining Board to *amend* Phar 7.01 (1) (e) relating to delivery of prescriptions.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: s. 450.02 (3) (a) and (e), Stats. ✓

Rules of the Pharmacy Examining Board identify in s. Phar 7.01 (1) (e) that prescription drugs may be delivered by an agent of the pharmacist to a patient's residence where the delivery is accompanied by appropriate directions and an offer that consultation is available by contacting the pharmacist. The rule amendment proposed will expand the patient's options for choice in designating a location of delivery.

Section Phar 7.01 (1) (e) is amended to expand the exception for delivery of prescription drugs and will allow the patient to designate other locations for delivery in addition to the patient's residence. In the case of delivery to a location other than the patient's residence the requirement to offer consultation is expanded to apply to any other location designated by the patient.

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TEXT OF RULE

SECTION 1. Phar 7.01 (1) (e) is amended to read:

Phar 7.01 (1) (e) Give the patient or agent appropriate consultation relative to the prescription except that prescriptions may be delivered by an agent of the pharmacist to a patient's residence or other locations designated by the patient if the delivery is accompanied by appropriate directions and an indication that consultation is available by contacting the pharmacist. The consultation requirement applies to original and renewal prescription orders and, except when prescriptions are delivered to a patient's residence or other location designated by the patient, is not satisfied by only offering to provide consultation.

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(END OF TEXT OF RULE)

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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.

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Chairperson  
Pharmacy Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: These rules would increase agency costs due to printing and postage costs for mailings for approximately 6,000 pharmacists. A copy of the rules and a cover letter would need to be mailed and associated with this mailing would be approximately \$15,000. This cost to print and mail each rule is estimated at \$2.50 multiplied by 6,000. This is a one-time cost.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\phm14.doc  
3/6/2000