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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 00-048**

AN ORDER to create Phar 7.015, relating to delegation of duties by a pharmacist.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-06-00 RECEIVED BY LEGISLATIVE COUNCIL.

03-30-00 REPORT SENT TO AGENCY.

RNS:DLS:rv;jal



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## CLEARINGHOUSE RULE 00-048

### 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.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. In s. Phar 7.015 (1), second sentence, ", but are not limited to," should be deleted. The term "include" is sufficient.
- b. In s. Phar 7.015 (2) (m), it appears that ", receiving and checking orders" should be "or receiving and checking drug orders." In par. (p), "approved" by whom? Can this be specified?
- c. In s. Phar 7.015 (3) (intro.), "may not" should replace "shall not."
- d. In s. Phar 7.015 (3) (a), a comma should be inserted after "specific judgment."

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD  
PHARMACY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 00- )

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PROPOSED ORDER

An order of the Pharmacy Examining Board to create Phar 7.015, relating to delegation of duties by a pharmacist.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 450.02 (2), (3) (a) and (d) and 450.11 (3), Stats.

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

Rules of the Pharmacy Examining Board identify in s. Phar 7.01 that non-pharmacist employees may be assigned duties by a pharmacist relating to receiving prescriptions, preparing and dispensing drugs. The rules proposed will more specifically define the responsibilities of a pharmacist who delegates duties and describe the types of duties related to compounding and delivering drugs that may be delegated.

Section Phar 7.015 is created to define a pharmacy technician as a non-pharmacist or non-pharmacist intern, who is under the immediate and direct supervision of the pharmacist. The functions of the pharmacy technician are technical and nonjudgmental. The technical dispensing functions which may be delegated to a pharmacy technician are listed, as well as those dispensing functions which may not be delegated to a pharmacy technician. The delegation of approved dispensing functions to a pharmacy technician by the pharmacist does not relieve the pharmacist of responsibility for the proper filling of the prescription order.

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TEXT OF RULE

SECTION 1. Phar 7.015 is created to read:

**Phar 7.015 Pharmacy technicians.** (1) As used in this section, "pharmacy technician" means a non-pharmacist or non-pharmacist intern who, under the immediate and direct supervision of the pharmacist, assists the pharmacist in the technical and nonjudgmental functions related to the practice of pharmacy in the processing of prescription orders and inventory management. "Pharmacy technician" does not include ancillary persons which

include, but are not limited to, clerks, secretaries, cashiers or delivery persons, who may be present in the pharmacy.

(2) A pharmacist may delegate technical dispensing functions to a pharmacy technician, but only if the pharmacist is on site where delegated functions are performed. Technical dispensing functions include: *all...*

(a) Accepting written or electronic prescription orders of the prescribing practitioner or from the prescribing practitioner's agent.

(b) Accepting original oral prescription orders from the prescribing practitioner or prescribing practitioner's agent, if the conversation is recorded and listened to and verified by the pharmacist prior to dispensing.

(c) Requesting authorization for a refill from the prescribing practitioner.

(d) Accepting oral authorization for a refill from the prescribing practitioner or prescribing practitioner's agent, provided there are no changes to the original prescription order.

(e) Accepting a request from a patient to refill a prescription.

(f) Obtaining and entering patient or prescription data into the patient information system.

(g) Preparing a prescription label.

(h) Retrieving medication from stock, counting or measuring medication, and placing the medication in its final container.

(i) Reconstituting prefabricated dosage forms.

(j) Compounding pharmaceuticals pursuant to written policies and procedures.

(k) Affixing a prescription label to its final container.

(L) Placing ancillary information on the prescription label.

*drug*  
(m) Possessing drug orders to suppliers for pharmaceuticals, receiving and checking orders.

(n) Prepackaging and labeling drugs for dispensing by a pharmacist.

(o) Preparing unit dose carts for final review by a pharmacist.

(p) Retrieving and transporting stock medication to and from approved areas. *by [unclear]*

(q) Other technical functions that do not require the professional judgment of a pharmacist.

(3) A pharmacy technician shall not do any of the following:

(a) Provide the final verification for the accuracy, validity, completeness, or appropriateness of a filled prescription or medication order.

(b) Perform any of the following tasks:

1. Participate in final drug utilization reviews.
2. Make independent therapeutic alternate drug selections.
3. Participate in final drug regimen screening, including screening for therapeutic duplication, drug-to-drug interactions, incorrect dosage, incorrect duration of treatment, drug allergy reactions and clinical abuse or misuse.
4. Perform any act necessary to be a managing pharmacist.
5. Administer any prescribed drug products, devices or vaccines.

(c) Provide patient counseling, consultation, or patient specific judgment, such as interpreting or applying information, including advice relating to therapeutic values, potential hazards and uses.

(4) The pharmacist shall provide the final verification for the accuracy, validity, completeness, and appropriateness of the patient's prescription prior to the delivery of the prescription to the patient or the patient's representative.

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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.

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3/6/2000