

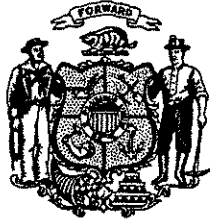
WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[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 00-156

AN ORDER to amend Phar 7.01 (3), relating to supervising pharmacy interns.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

11-06-00 RECEIVED BY LEGISLATIVE COUNCIL.

11-30-00 REPORT SENT TO AGENCY.

RNS:NZ:jal

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

JAN 26 2001

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 00-156)

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the PHARMACY EXAMINING BOARD is submitting in final draft form rules relating to supervising pharmacy interns.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

IN THE MATTER OF RULE-MAKING :	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE :	ON CLEARINGHOUSE 00-156
PHARMACY EXAMINING BOARD :	(s. 227.19 (3), Stats.)

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

Current requirements of s. Phar 7.01 (3) state that a pharmacist may supervise no more than one pharmacy intern and 2 non-pharmacists engaged in compounding and dispensing activities, except a higher ratio may be authorized by the board upon request to and approval by the board of a specific plan describing the manner in which additional interns or non-pharmacists shall be supervised. The objective of modifying s. Phar 7.01 (3) is to change a reference from "non-pharmacist" to "pharmacy technician," and increase the ratio to 1 to 4. As originally proposed, the modification of s. Phar 7.01 (3) was intended to allow for an unlimited pharmacy technician ratio. After a public hearing regarding the proposed modification of s. Phar 7.01 (3), the board has determined that rather than removing all limits to the pharmacy/pharmacy technician ratio, increased 1 to 4 ratio, with the ability to seek a higher ratio by petition to the board, will better implement proposed new rule s. Phar 7.015 which sets forth the delegation of duties to pharmacy technicians.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on December 12, 2000. The following individuals appeared:
Joe Wiederhold, University of Wisconsin School of Pharmacy, Madison, WI
Tom Engels, Madison, WI
Pamela Pluck, Madison, WI
Ken Schaefer, Wausau, WI
Tamara Clark, Hillsboro, WI
Bart Clark, Madison, WI
Susan Hancock, Waukesha, WI

Bonnie Svarstad, Madison, WI
David Kreling, Oregon, WI
Jeanine Mount, Madison, WI
Michelle Long, Waukesha, WI
Jamie Statz Paynter, Verona, WI

Written comments were received from:

Bart Clark, Madison, WI
Beth A. Martin, R.Ph., Madison, WI
Gary C. Speich, R.Ph., Augusta, WI
Melissa Jarvey
R.W. Clement, R.Ph., Peshtigo Pharmacy, Peshtigo, WI
Duane B. Asp, R.Ph., Tomah, WI
Sarah Bartel, R.Ph.
Hospital, Waukesha, WI
Clyde Birringer, Pharm D., Meriter Hospital, Madison, WI
Mark Zwaska
Teri Luebbering, R.Ph
Wendy Wallis, R.Ph.
Chris Klink, R.Ph., Beloit Memorial Hospital, Beloit, WI
Tom Reilly, Director, Government Affairs, Milwaukee, WI
Tom Engels, Director of Government Affairs, Pharmacy Society of Wisconsin, Madison, WI
George Christiansen, R.Ph., West Salem, WI
Betty Chewning, Ph.D., Associate Professor, School of Pharmacy, Madison, WI
Valerie A. Schend, R.Ph., Madison, WI
Lynne A. Dittman, R.Ph.
Diane L. Darvey, Pharm.D., J.D., Director, State Pharmacy Services, Alexandria, VA
Kay Palmer
Kim T. Kass
Thomas J. Lausten
Cynthia J. Steffen, R.Ph., Program Coordinator, Pharmacy Technician Program,
Milwaukee Area Technical College
George F. Christiansen, R.Ph., West Salem, WI
Paul Rosowski, R.Ph., Director of Pharmacy Internship, University of Wisconsin,
Madison, WI
David H. ` , R.Ph., Associate Professor of Social & Administrative Pharmacy, Madison,
WI
Christopher T. Ehlenbach, Wauwatosa, WI
Joseph B. Wiederholt, Ph.D., Professor of Pharmacy Administration, University of
Wisconsin, School of Pharmacy, Madison, WI
Roger Gottschalk, R.Ph.
Clyde Birringer
Mark Zwaska
Ronn Teri
Doug Palmer

Kim Kass
Thomas J. Lausten
Steve Rough, M.S., R.Ph., Director, Pharmacy Service Organization, UW Hospital and
Clinics, Madison, WI
Tom Thielke, M.S.

VI. RESPONSE TO PUBLIC HEARING COMMENTS:

Current requirements of s. Phar 7.01 (3) state that a pharmacist may supervise no more than one pharmacy intern and 2 non-pharmacists engaged in compounding and dispensing activities, except a higher ratio may be authorized by the board upon request to and approval by the board of a specific plan describing the manner in which additional interns or non-pharmacists shall be supervised. The objective of modifying s. Phar 7.01 (3) is to change a reference from "non-pharmacist" to "pharmacy technician," and increase the ratio to 1 to 4. As originally proposed, the modification of s. Phar 7.01 (3) was intended to allow for an unlimited pharmacy technician ratio. After a public hearing regarding the proposed modification of s. Phar 7.01 (3), the board has determined that rather than removing all limits to the pharmacy/pharmacy technician ratio, increased 1 to 4 ratio, with the ability to seek a higher ratio by petition to the board, will better implement proposed new rule s. Phar 7.015 which sets forth the delegation of duties to pharmacy technicians.

VII. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

There were no recommendations suggested in the Clearinghouse Report.

VIII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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 00-156)

PROPOSED ORDER

An order of the Pharmacy Examining Board to amend Phar 7.01 (3), relating to supervising pharmacy interns.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

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

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

Current requirements of s. Phar 7.01 (3) state that a pharmacist may supervise no more than one pharmacy intern and 2 non-pharmacists engaged in compounding and dispensing activities, except a higher ratio may be authorized by the board upon request to and approval by the board of a specific plan describing the manner in which additional interns or non-pharmacists shall be supervised. The objective of modifying s. Phar 7.01 (3) is to change a reference from "non-pharmacist" to "pharmacy technician," and increase the ratio to 1 to 4. As originally proposed, the modification of s. Phar 7.01 (3) was intended to allow for an unlimited pharmacy technician ratio. After a public hearing regarding the proposed modification of s. Phar 7.01 (3), the board has determined that rather than removing all limits to the pharmacy/pharmacy technician ratio, increased 1 to 4 ratio, with the ability to seek a higher ratio by petition to the board, will better implement proposed new rule s. Phar 7.015 which sets forth the delegation of duties to pharmacy technicians.

TEXT OF RULE

SECTION 1. Phar 7.01 (3) is amended to read:

Phar 7.01 (3) A pharmacist may supervise no more than one pharmacy intern and ~~2 non-pharmacists~~ 4 pharmacy technicians engaged in compounding and dispensing activities as described in sub. (1) ~~(e)~~, except a higher ratio may be authorized by the board upon request to and approval by the board of a specific plan describing the manner in which additional interns or ~~non-pharmacists~~ pharmacy technicians shall be supervised.

(END OF TEXT OF RULE)

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: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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1/26/01