



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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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 01-134

AN ORDER to renumber Phar 2.02 (1) (d); to amend Phar 2.01 (2); and to create Phar 1.02 (4c), (4e) and (14m) and 2.02 (1) (d), relating to a pharmacy internship program.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

11-15-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-11-01 REPORT SENT TO AGENCY.

RNS:DD:tlu;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



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CLEARINGHOUSE RULE 01-134

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. A number of substantive provisions are contained in the definition of "internship in the practice of pharmacy" in s. Phar 1.02 (4e), making the definition awkward and unduly complicated. See s. 1.01 (7) (b), Manual, regarding the inclusion of substance in a definition. It is suggested that the substantive aspects of the subsection be included in a separate section of the Administrative Code.

b. It is suggested that s. Phar 1.02 (4e) (c) begin with "The practice of pharmacy by" instead of "For." In that same sentence, a period may be placed after "committee" and the remaining language deleted (see the last sentence of the paragraph). In the last sentence, it is suggested that reference be made to "the" person rather than "a" person.

c. In s. Phar 1.02 (4e) (d), it is suggested that the first sentence begin with "The practice of pharmacy by" instead of "For" and a period inserted after "state." The remainder of the current sentence should be adjusted accordingly to become a complete sentence. In the second sentence, the first "any change of a supervising pharmacist shall be disclosed in the initial application" should be deleted because it is subsequently repeated in the sentence.

d. In s. Phar 2.01 (2), "beard" should be inserted after "internship."

e. It is suggested that s. Phar 2.02 (1) (d) 1. can be redrafted to begin as follows: "A statement from the dean or the academic records office of the school of pharmacy certifying"

4. Adequacy of References to Related Statutes, Rules and Forms

- a. In s. Phar 1.02 (4e) (c) and (d), references to "under this section" are incorrect.
- b. In s. Phar 2.02 (1) (d) 2., the "and" in the reference to the Administrative Code provision should be changed to "or."

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

- a. The department's analysis is confusing in that it describes five classes of interns and five categories of internship experience. The two groups seem to be related. If so, can they be consolidated?
- b. In the department's analysis, in the fourth, fifth and sixth paragraphs, "defines" should be replaced by "includes."
- c. In the fifth paragraph of the department's analysis, it is suggested that "and who" be inserted after the first "internship" and "need" replace "needing."
- d. In the third full paragraph on page 2 of the department's analysis, "types of" in the last sentence may be deleted.
- e. In the paragraph of the department's analysis that begins at the bottom of page 2, it appears that some words are missing from the second sentence.
- f. In s. Phar 1.02 (4e) (b), it is not clear to what "which is not acquired in a practical experience program" refers.
- g. In s. Phar 1.02 (4e) (d), last sentence, the use of "up to" in the context of that sentence is unclear.

**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 01-134)**

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 a pharmacy internship program.

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 01-134
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:

Forms required by these rules are being drafted.

III. FISCAL ESTIMATES:

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

IV. STATEMENT EXPLAINING NEED:

In this rule-making order the Pharmacy Examining Board creates rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stats., effective December 31, 2001. Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on December 11, 2001. Susan Kleppin, Madison, WI, representing the Pharmacy Society of Wisconsin, and Nathan Kanous, Madison, WI, both appeared and presented testimony. There were no other appearances nor were there any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2.e. It is suggested that s. Phar 2.02 (1) (d) 1. can be drafted to begin as follows: "A statement from the dean or the academic records office of the school of pharmacy certifying...."

Response. The suggested change was not adopted. Section Phar 2.02 (1) (d) 1., mirrors current s. Phar 2.02 (1) (b) for consistency of language. There is a substantive difference between the dean of the school of pharmacy and the academic records office of the

educational institution of which the school of pharmacy is a part. Either entity may possess the records and the authority to make the certification required by this section.

Comment 5.f. In s. Phar 1.02 (4e) (b), it is not clear what "which is not acquired in a practical experience program" refers.

Response. New ch. Phar 17 creates a definition of "academic internship." For clarity, the phrase "academic internship" replaces "practical experience program" in new s. Phar 17.02 (5).

Comment 5.g. In s. Phar 1.02 (4e) (d), last sentence, the use of "up to" in the context of that sentence is unclear.

Response: This former section has been rewritten in new s. Phar 17.04 (3) [foreign graduate internship] and s. Phar 17.05 (3) [postgraduate internship] to clarify that 2000 hours is a maximum limit on the hours that can be earned in those internship categories.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. 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 01-134)

PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 2.03 (5); to renumber Phar 2.02 (1) (d); to amend Phar 2.01 (2) and 2.03 (4); and to create ch. Phar 17 relating to a pharmacy internship program.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11, (2), Wis. Stats., and s. 450.03 (1) (g), Wis. Stats., as created by 2001 Wisconsin Act 16, and s. 450.04 (3) (b), Wis. Stats., as amended by 2001 Wisconsin Act 16.

Statutes interpreted: ss. 450.03 (1) (g) and 450.04 (3) (b), Wis. Stats.

In this rule-making order the Pharmacy Examining Board creates rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stats., effective December 31, 2001. Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

SECTION 1 amends the requirement for original licensure removing the statutory reference to Wis. Stat. s. 450.045, which was repealed.

SECTION 2 amends the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section. And SECTION 3 creates a rule consisting of what constitutes evidence of completing an internship.

SECTION 4 creates ch. Phar 17.

“Intern” is defined generally as a person engaged in the practice of pharmacy pursuant to ch. Phar 17. The definition of an intern is necessary to maintain the distinction between interns and technicians as encompassed in Wis. Admin. Code ch. Phar 7. Interns, with limitations, practice pharmacy. Technicians do not practice pharmacy.

“Internship in the practice of pharmacy” is defined to mean the completion of a minimum of 1500 hours in aggregate in the practice of pharmacy in one or more of five internship categories

under ch. Phar 17. Interns practice pharmacy under a pharmacist defined as a "supervising pharmacist." Not all of the required 1500 hours need to be completed in any one category, yet a minimum of 1500 hours must be earned and certified.

For certain categories of interns the type of supervision provided by the supervising pharmacist must be "direct supervision" which means immediate on premises availability to continually coordinate, direct and inspect at first hand the practice of another.

Five categories of internship options are created and defined which are "academic internship," "foreign graduate internship," "postgraduate internship," "practical experience internship" and "student non-academic internship."

The academic internship is defined as a practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

The foreign graduate internship is defined as the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has not graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. This internship exists to provide an internship option for foreign graduates applying for original licensure who may not have completed a traditional pharmacy internship, therefore needing a means to complete an internship in the practice of pharmacy in this state.

The postgraduate internship is defined as the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. This class of intern may need either to obtain additional hours of internship credit to qualify for original licensure, or may be working under the supervision of a pharmacist while awaiting final board action on their application.

The practical experience internship is defined as practical experience acquired in another state which is comparable to an internship in one or more of the internship categories contained in ch. Phar 17.

The student non-academic internship is defined as the practice of pharmacy by a person which is not acquired in an academic internship. This type of intern typically engages in the practice of pharmacy within the context of summer internships which typically do not qualify for credit under an academic internship sponsored by an approved school.

The definition of intern includes a reference to s. 450.03 (1) (g), Stats. These persons have applied for a license under s. 450.05, Stats., as out-of-state licensees and their practice of pharmacy is limited by s. 450.03 (1) (g), Stats., to performing duties under the direct supervision of a person licensed as a pharmacist by the board and during the period before which the board takes final action on the person's application. Such persons do not need to satisfy an internship requirement for licensure under s. 450.05, Stats., however, they are still defined as interns to

place such persons and their supervising pharmacists on notice of the requirements and distinctions between interns and technicians created by Wis. Admin. Code ch. Phar 7.

The rule further provides that a person participating in an academic internship is not required to register as an intern with the board. There is no restriction in the number of hours that can be earned in an academic internship.

The proposed rule requires that prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship the person must file an application with the board for original licensure. A foreign graduate internship is limited to the practice of pharmacy under the supervision of a supervising pharmacist who keeps a written record of the hours and location worked by the intern, signed by the intern and the supervising pharmacist. A person cannot work as a foreign graduate intern in excess of 2000 hours unless first submitting evidence of having obtained certification by the foreign pharmacy graduate examination committee. Upon completing a maximum of 3000 hours, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure as a pharmacist. An administrative grandfather provision provides that a person currently practicing pharmacy as a registered intern on or before December 31, 2001, under the former rules of the dissolved pharmacy internship board, is not required to comply with the requirements of this section, except for recordkeeping, until May 31 in the third year succeeding the year in which the registration under the former pharmacy internship board rules, was granted, unless such registration was previously revoked, suspended or cancelled.

Also, the proposed rule requires that prior to performing duties as an intern or to receiving credit for hours participating in a postgraduate internship the person must file an application for original licensure and have graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. The internship is limited to the practice of pharmacy under the supervision of a supervising pharmacist who keeps a written record of the hours and location worked by the intern, signed by the intern and the supervising pharmacist. The internship is limited to a maximum of 2000 hours at which time the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure as a pharmacist.

The proposed rule provides that there is no restriction in the number of hours that can be earned in a practical experience internship. In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Stats.

The rule limits participation in a student non-academic internship to persons who successfully complete their second year in and are enrolled at a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. The internship is also limited to the practice of pharmacy under the direct supervision of a supervising pharmacist who keeps a written record of the hours and location worked by the intern, signed by the intern and the supervising pharmacist.

The rule also amends the requirement for original licensure removing the statutory reference to s. 450.045, Stats., which was repealed by 2001 Wisconsin Act 16.

The rules amend the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section. The rule also amends the requirement for when applicants may take required tests for original licensure. And, repeals a rule that is no longer required.

TEXT OF RULE

SECTION 1. Phar 2.01 (2) is amended to read:

Phar 2.01 (2) Has completed an internship program approved by the pharmacy internship board under s. 450.045, Stats in the practice of pharmacy.

SECTION 2. Phar 2.02 (1) (d) is renumbered Phar 2.02 (1) (e).

SECTION 3. Phar 2.02 (1) (d) is created to read:

Phar 2.02 (1) (d) Evidence of having completed an internship in the practice of pharmacy which shall consist of one or more of the following:

1. A statement from the dean of the school of pharmacy or the academic records office of the respective educational institution certifying the number of hours that the applicant has successfully completed in a practical experience program described in ch. Phar 17.

2. A statement from a supervising pharmacist certifying the number of hours that the applicant was supervised by that supervising pharmacist in an internship in the practice of pharmacy described in ch. Phar 17.

3. Verification of practical experience acquired by the applicant in another state as described in ch. Phar 17, which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired.

SECTION 4. Phar 2.03 (4) is amended to read:

Phar 2.03 (4) An applicant for licensure as a pharmacy ~~may~~ shall not be eligible to be admitted to the NAPLEX or the multi-state pharmacy jurisprudence examination prior to obtaining certification by the foreign pharmacy graduate examination committee and being within 360 credit hours of completing an internship in the practice of pharmacy or 60 days before completion of the applicant's internship graduation from a school or college of pharmacy approved by the board. Except as provided in sub. (5), an An applicant may not be admitted to the ~~laboratory~~ practical examination before the test date which immediately follows completion of the applicant's internship in the practice of pharmacy.

SECTION 5. Phar 2.03 (5) is repealed.

SECTION 6. Chapter Phar 17 is created to read:

CHAPTER PHAR 17
PHARMACY INTERNSHIP

Phar 17.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11 (2), 450.03 (1) (g) and 450.04 (3) (b), Stats.

Phar 17.02 Definitions. In this chapter:

(1) "Academic internship" means a practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(2) "Direct supervision" means immediate on premises availability to continually coordinate, direct and inspect at first hand the practice of another.

(3) "Foreign graduate internship" means the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has not graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(4) "Intern" means a person engaged in the practice of pharmacy pursuant to subs. (1), (3), (6) and (8) or s. 450.03(1) (g), Stats.

(5) "Internship in the practice of pharmacy" means the completion of a minimum of 1500 hours in aggregate in the practice of pharmacy under subs. (1), (3), (6), (7) or (8).

(6) "Postgraduate internship" means the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(7) "Practical experience internship" means practical experience acquired in another state which is comparable to an internship as described in subs. (1), (3), (6) and (8).

(8) "Student non-academic internship" means the practice of pharmacy by a person which is not acquired in an academic internship.

(9) "Supervising pharmacist" means a pharmacist who supervises and is responsible for the actions of an intern in the practice of pharmacy.

Phar 17.03 Academic internship. A person participating in an academic internship is not required to register as an intern with the board. There is no restriction in the number of hours earned in an academic internship.

Phar 17.04 Foreign graduate internship. (1) Prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship the person must file an application with the board for original licensure under s. Phar 2.02.

(2) A foreign graduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising pharmacist. The written record shall be produced to the board upon request.

(3) A person shall not further engage in the practice of pharmacy as a foreign graduate intern in excess of 2000 hours unless that person first submits to the board evidence of having obtained certification by the foreign pharmacy graduate examination committee.

(4) Upon completing a maximum of 3000 hours of the practice of pharmacy in a foreign graduate internship, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(5) A person currently practicing pharmacy as an intern on or before December 31, 2001, who registered as an intern under former s. Ph-Int 1.01 (3) (d) 3., is not required to comply with the requirements of this section until May 31 in the third year succeeding the year in which the registration under former s. Ph-Int (3) (d) 3., was granted, unless such registration was previously revoked, suspended or canceled. The supervising pharmacist shall keep a written record of the hours and location worked by the person as an intern under his or her supervision, signed by the person and the supervising pharmacist. The written record shall be produced to the board upon request. Internship hours completed under this subsection may be certified to the board on a board approved form.

Phar 17.05 Postgraduate internship. (1) Prior to performing duties as an intern or to receiving credit for hours participating in a postgraduate internship, the person must file an application with the board for original licensure under s. Phar 2.02 and submit to the board evidence of having been graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(2) A postgraduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising therapist. The written record shall be produced to the board upon request.

(3) Upon completing a maximum of 2000 hours of the practice of pharmacy in a postgraduate internship, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

Phar 17.06 Practical experience internship. There is no restriction in the number of hours earned in a practical experience internship. In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Stats.

Phar 17.07 Student non-academic internship. (1) Prior to performing duties as an intern or to receiving credit for hours participating in a student non-academic internship the person must successfully complete his or her second year in and be enrolled at a professional bachelors of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(2) A student non-academic internship is limited to performing duties constituting the practice of pharmacy under the direct supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her direct supervision, signed by the intern and the supervising pharmacist. The written record shall be produced to the board upon request.

(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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4/19/02

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

Scott McCallum
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November 15, 2001

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. Stat. These proposed rules relate to a pharmacy internship program. 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.

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 01-)

PROPOSED ORDER

An order of the Pharmacy Examining Board to renumber Phar 2.02 (1) (d); to amend Phar 2.01 (2); and to create Phar 1.02 (4c), (4e) and (14m), and Phar 2.02 (1) (d), relating to a pharmacy internship program.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11, (2), Wis. Stat., and s. 450.03 (1) (g), Wis. Stat., as created by 2001 Wisconsin Act 16, and s. 450.04 (3) (b), Wis. Stat., as amended by 2001 Wisconsin Act 16.

Statutes interpreted: ss. 450.03 (1) (g) and 450.04 (3) (b), Wis. Stat.

In this proposed rule-making order the Pharmacy Examining Board creates rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stat. effective December 31, 2001. Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

SECTION 1 defines an "intern." This is necessary to maintain the distinction between the interns and technicians encompassed in Wis. Admin. Code ch. Phar 7. Interns, with limitations, practice pharmacy. Technicians do not practice pharmacy. Five classes of interns are created.

The first class of intern, s. Phar 1.02 (4e) (a), defines an intern as a student who is practicing as part of a practical experience program sponsored by the student's school or college of pharmacy.

The second class of intern, s. Phar 1.02 (4e) (b), defines a student who practices under the direct supervision of a pharmacist. This type of intern typically engages in the practice of pharmacy within the context of summer internships for no credit under a practical experience program.

The third class of intern, s. Phar 1.02 (4e) (c), defines foreign graduates applying for original licensure who may not have completed a traditional pharmacy internship therefore needing a means to complete an internship in the practice of pharmacy in this state. *and who*

includes

The fourth class of intern, s. Phar 1.02 (4e) (d), defines recent graduates from an approved pharmacy school who have filed an application for licensure with the board and are awaiting board action. This class of intern may need either to obtain additional hours of internship credit to qualify for original licensure, or may be working under the direct supervision of a pharmacist while awaiting final board action on their application.

The fifth class of intern is a statutory creation, restating in the rule for clarity the provisions of s. 450.03 (1) (g), Wis. Stat. These persons have applied for a license under s. 450.05, Wis Stat. (out-of-state licensees) and their practice of pharmacy is limited to performing duties under the direct supervision of a person licensed as a pharmacist by the board and during the period before which the board takes final action on the person's application. This class of intern is not included within the definition of "internship" because this intern does not need to satisfy an internship requirement for licensure under s. 450.05, Wis. Stat. However, a definition as an "intern" is still necessary to place such persons and their supervising pharmacists on notice of the requirements and distinctions between interns and technicians created by Wis. Admin. Code ch. Phar 7.

see 1.02 (4c) (e)

check

An internship in the practice of pharmacy is defined to mean the completion of 1,500 hours in aggregate in the practice of pharmacy in the delineated categories. Not all of the required 1,500 hours need to be completed in any one category, yet a minimum of 1,500 hours must be earned and certified. There are five types of categories of internship experience.

categories of internship experience

The first category is the practice of pharmacy in a practical experience program consisting of the practice of pharmacy sponsored by a professional Bachelor's of Science degree in pharmacy or Doctor of Pharmacy degree granting institution located in this or another state.

The second category is the practice of pharmacy by a qualified student under the direct supervision of a pharmacist. The hours earned in this category may not count as a part of a practical experience program if previously credited therein. Hours earned in this second category are therefore considered in addition to the hours earned in the practical experience program.

check

The third category allows foreign graduate applicants applying for original licensure to earn internship credits to qualify for original licensure. This internship is limited to a maximum of 2,000 hours of credit earned at which time the internship is deemed ended. The applicant may not then further engage in the practice of pharmacy until such time a license is granted by the board.

The fourth category allows applicants for original licensure awaiting board action on their application to practice pharmacy under the direct supervision of a pharmacist during the pendency of their application. This internship is limited to a maximum of 1,500 hours of credit earned at which time the internship is deemed ended. The applicant may not then further engage in the practice of pharmacy until such time a license is granted by the board.

The fifth category is created by statute at s. 450.04 (3) (b), Wis. Stat. The statute allows the board to grant credit for practical experience acquired in another state which is comparable to

classes + categories are same?

include in an internship and which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired. In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Wis. Stat.

missing words

SECTION 3 creates the definition of a "supervising pharmacist" who supervises an intern in the practice of pharmacy.

SECTION 4 amends the requirement for original licensure removing the statutory reference to Wis. Stat. s. 450.045, which was repealed.

SECTIONS 5 and 6 amend the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section.

TEXT OF RULE

add

SECTION 1. Phar 1.02 (4c) is created to read:

where used? -> see sec 3

Phar 1.02 (4c) "Intern" means a person engaged in the practice of pharmacy pursuant to s. Phar 1.02 (4e) (a), (b), (c), (d) or s. 450.03 (1) (g), Stats.

SECTION 2. Phar 1.02 (4e) is created to read:

Phar 1.02 (4e) "Internship in the practice of pharmacy" means completion of 1,500 hours in aggregate of any of the following: *name the practice*

awk

(a) A practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

awk

(b) The practice of pharmacy by a person who has successfully completed his or her second year in and is enrolled at a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state whose practice of pharmacy is limited to performing duties under the direct supervision of a supervising pharmacist, which is not acquired in a practical experience program described in par. (a).

no precedent

(c) *The practice of pharmacy by* For a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has supplied to the board evidence of having obtained certification by the foreign pharmacy graduate examination committee, the practice of pharmacy which is limited to a maximum of 2,000 hours performing duties under the supervision of a supervising pharmacist Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section, the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern. Upon completion of 2,000 hours of the practice of pharmacy under this section the internship is

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terminated and a person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

The practice of pharmacy by
(d) For a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has supplied to the board evidence of having been graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state, the practice of pharmacy which is limited to a maximum of 1,500 hours performing duties under the supervision of a supervising pharmacist. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section, the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern. Upon completion of up to 1,500 hours of the practice of pharmacy under this section, the internship is terminated and a person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(a) covers other states
(e) Practical experience acquired in another state which is comparable to that described in par. (a). In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Stats.

SECTION 3. Phar 1.02 (14m) is created to read:

Phar 1.02 (14m) "Supervising pharmacist" means a pharmacist who has responsibility for supervising an intern in the practice of pharmacy.

SECTION 4. Phar 2.01 (2) is amended to read:

Qualifications for original licensure
Phar 2.01 (2) Has completed an internship program approved by the pharmacy internship *board* under s. 450.045, Stats in the practice of pharmacy.

SECTION 5. Phar 2.02 (1) (d) is renumbered Phar 2.02 (1) (e).

SECTION 6. Phar 2.02 (1) (d) is created to read:

Application for licensure shall include
Phar 2.02 (1) (d) Evidence of having completed an internship in the practice of pharmacy which shall consist of one or more of the following:

1. A statement from the dean of the school of pharmacy or the academic records office of the respective educational institution certifying the number of hours that the applicant has successfully completed in a practical experience program described in s. Phar 1.02 (4e) (a).

2. A statement from a supervising pharmacist certifying the number of hours that the applicant was supervised by that supervising pharmacist in an internship in the practice of pharmacy described in s. Phar 1.02 (4e) (b), (c) and (d).

3. Verification of practical experience acquired by the applicant in another state as described in s. Phar 1.02 (4e) (e), which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired.

(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.

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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11/15/01

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

Scott McCallum
Governor
Oscar Herrera
Secretary



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November 20, 2001

Senator Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, WI 53702

Representative Glenn Grothman, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 North, State Capitol
Madison, WI 53702

RE: Emergency Rule for the Pharmacy Examining Board

Dear Senator Robson and Representative Grothman:

I am writing at the request of the Pharmacy Examining Board to provide advance notice of emergency rules relating to a pharmacy internship program to reflect statutory amendments to Wis. Stat. §. 450.04 (3) (b), effective December 31, 2001. (2001 Wisconsin Act 16)

Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

A draft of the emergency rules is enclosed. If you have any questions, please call me at 266-1790.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Black".

William A. Black
Legal Counsel
Pharmacy Examining Board

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER ADOPTING
PROCEEDINGS BEFORE THE : EMERGENCY RULES
PHARMACY EXAMINING BOARD :

ORDER

An order of the Pharmacy Examining Board to renumber Phar 2.02 (1) (d); to amend Phar 2.01 (2); and to create Phar 1.02 (4c), (4e) and (14m), and Phar 2.02 (1) (d), relating to a pharmacy internship program.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11, (2), Wis. Stat., and s. 450.03 (1) (g), Wis. Stat., as created by 2001 Wisconsin Act 16, and s. 450.04 (3) (b), Wis. Stat., as amended by 2001 Wisconsin Act 16.

Statutes interpreted: ss. 450.03 (1) (g) and 450.04 (3) (b), Wis. Stat.

In this rule-making order the Pharmacy Examining Board creates rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stat. effective December 31, 2001. Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

SECTION 1 defines an "intern." This is necessary to maintain the distinction between the interns and technicians encompassed in Wis. Admin. Code ch. Phar 7. Interns, with limitations, practice pharmacy. Technicians do not practice pharmacy. Five classes of interns are created.

The first class of intern, s. Phar 1.02 (4e) (a), defines an intern as a student who is practicing as part of a practical experience program sponsored by the student's school or college of pharmacy.

The second class of intern, s. Phar 1.02 (4e) (b), defines a student who practices under the direct supervision of a pharmacist. This type of intern typically engages in the practice of pharmacy within the context of summer internships for no credit under a practical experience program.

The third class of intern, s. Phar 1.02 (4e) (c), defines foreign graduates applying for original licensure who may not have completed a traditional pharmacy internship therefore needing a means to complete an internship in the practice of pharmacy in this state.

The fourth class of intern, s. Phar 1.02 (4e) (d), defines recent graduates from an approved pharmacy school who have filed an application for licensure with the board and are awaiting

board action. This class of intern may need either to obtain additional hours of internship credit to qualify for original licensure, or may be working under the direct supervision of a pharmacist while awaiting final board action on their application.

The fifth class of intern is a statutory creation, restating in the rule for clarity the provisions of s. 450.03 (1) (g), Wis. Stat. These persons have applied for a license under s. 450.05, Wis Stat. (out-of-state licensees) and their practice of pharmacy is limited to performing duties under the direct supervision of a person licensed as a pharmacist by the board and during the period before which the board takes final action on the person's application. This class of intern is not included within the definition of "internship" because this intern does not need to satisfy an internship requirement for licensure under s. 450.05, Wis. Stat. However, a definition as an "intern" is still necessary to place such persons and their supervising pharmacists on notice of the requirements and distinctions between interns and technicians created by Wis. Admin. Code ch. Phar 7.

An internship in the practice of pharmacy is defined to mean the completion of 1,500 hours in aggregate in the practice of pharmacy in the delineated categories. Not all of the required 1,500 hours need to be completed in any one category, yet a minimum of 1,500 hours must be earned and certified. There are five types of categories of internship experience.

The first category is the practice of pharmacy in a practical experience program consisting of the practice of pharmacy sponsored by a professional Bachelor's of Science degree in pharmacy or Doctor of Pharmacy degree granting institution located in this or another state.

The second category is the practice of pharmacy by a qualified student under the direct supervision of a pharmacist. The hours earned in this category may not count as a part of a practical experience program if previously credited therein. Hours earned in this second category are therefore considered in addition to the hours earned in the practical experience program.

The third category allows foreign graduate applicants applying for original licensure to earn internship credits to qualify for original licensure. This internship is limited to a maximum of 2,000 hours of credit earned at which time the internship is deemed ended. The applicant may not then further engage in the practice of pharmacy until such time a license is granted by the board.

The fourth category allows applicants for original licensure awaiting board action on their application to practice pharmacy under the direct supervision of a pharmacist during the pendency of their application. This internship is limited to a maximum of 1,500 hours of credit earned at which time the internship is deemed ended. The applicant may not then further engage in the practice of pharmacy until such time a license is granted by the board.

The fifth category is created by statute at s. 450.04 (3) (b), Wis. Stat. The statute allows the board to grant credit for practical experience acquired in another state which is comparable to include in an internship and which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired. In

determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Wis. Stat.

SECTION 3 creates the definition of a "supervising pharmacist" who supervises an intern in the practice of pharmacy.

SECTION 4 amends the requirement for original licensure removing the statutory reference to Wis. Stat. s. 450.045, which was repealed.

SECTIONS 5 and 6 amend the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section.

TEXT OF RULE

SECTION 1. Phar 1.02 (4c) is created to read:

Phar 1.02 (4c) "Intern" means a person engaged in the practice of pharmacy pursuant to s. Phar 1.02 (4e) (a), (b), (c), (d) or s. 450.03 (1) (g), Stats.

SECTION 2. Phar 1.02 (4e) is created to read:

Phar 1.02 (4e) "Internship in the practice of pharmacy" means completion of 1,500 hours in aggregate of any of the following:

(a) A practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(b) The practice of pharmacy by a person who has successfully completed his or her second year in and is enrolled at a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state whose practice of pharmacy is limited to performing duties under the direct supervision of a supervising pharmacist, which is not acquired in a practical experience program described in par. (a).

(c) For a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has supplied to the board evidence of having obtained certification by the foreign pharmacy graduate examination committee, the practice of pharmacy which is limited to a maximum of 2,000 hours performing duties under the supervision of a supervising pharmacist. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section, the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern. Upon completion of 2,000 hours of the practice of pharmacy under this section the internship is terminated and a person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(d) For a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has supplied to the board evidence of having been graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state, the practice of pharmacy which is limited to a maximum of 1,500 hours performing duties under the supervision of a supervising pharmacist. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section, the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern. Upon completion of up to 1,500 hours of the practice of pharmacy under this section, the internship is terminated and a person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(e) Practical experience acquired in another state which is comparable to that described in par. (a). In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Stats.

SECTION 3. Phar 1.02 (14m) is created to read:

Phar 1.02 (14m) "Supervising pharmacist" means a pharmacist who has responsibility for supervising an intern in the practice of pharmacy.

SECTION 4. Phar 2.01 (2) is amended to read:

Phar 2.01 (2) ~~Has completed an internship program approved by the pharmacy internship under s. 450.045, Stats in the practice of pharmacy.~~

SECTION 5. Phar 2.02 (1) (d) is renumbered Phar 2.02 (1) (e).

SECTION 6. Phar 2.02 (1) (d) is created to read:

Phar 2.02 (1) (d) Evidence of having completed an internship in the practice of pharmacy which shall consist of one or more of the following:

1. A statement from the dean of the school of pharmacy or the academic records office of the respective educational institution certifying the number of hours that the applicant has successfully completed in a practical experience program described in s. Phar 1.02 (4e) (a).

2. A statement from a supervising pharmacist certifying the number of hours that the applicant was supervised by that supervising pharmacist in an internship in the practice of pharmacy described in s. Phar 1.02 (4e) (b), (c) and (d).

3. Verification of practical experience acquired by the applicant in another state as described in s. Phar 1.02 (4e) (e), which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired.

FINDING OF EMERGENCY

2001 Wisconsin Act 16 creates and amends rules relating to a pharmacy internship program.

Section 3608L of Wisconsin Act 16, Wis. Stat. §. 450.045, which had previously authorized a Pharmacy Internship Board to implement and oversee the practice of pharmacy in this state by pharmacy interns prior to receiving licensure from the Pharmacy Examining Board.

Section 2154 of Wisconsin Act 16 mandates that effective December 31, 2001, the repeal of Wis. Stat. §. 450.045 becomes effective. As of December 31, 2001, there will currently be pharmacy interns still serving internships in this state and additional pharmacy students beginning January 1, 2001, who will seek to begin an internship program. However, no standards or oversight will be in place by administrative rule of the Pharmacy Examining Board which is now charged with authority for the pharmacy internship process.

The administrative rule-making process will not allow rules to be in place as of January 1, 2002, without the use of the emergency rule procedure. The emergency rule is needed therefore to effect a transfer of oversight from the extinguished Pharmacy Internship Board to the Pharmacy Examining Board as of January 1, 2001.

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