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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-107

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.]

1. Statutory Authority

a. The department’s analysis indicates that the objective of the rule is to conform with 21 C.F.R. 1306.05. However, the provisions of s. Phar 8.05 (7) do not appear to be directly included in the federal regulation cited; therefore, it is not clear how that provision conforms with federal regulations.

b. It appears that: (1) s. 450.02 (3) (d), Stats., should be added to the citations under “statutes authorizing promulgation” and “statutes interpreted”; and (2) s. 961.31, Stats., should be added to “statutes authorizing promulgation.”

2. Form, Style and Placement in Administrative Code

The second paragraph of the department’s analysis, describing SECTION 1 of the rule, fails to indicate with specificity what is new in the rule. The paragraph of the analysis describing SECTION 2 of the rule fails to indicate what is repealed. Similarly, the last paragraph of the department’s analysis is insufficiently specific.

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

a. The last paragraph of the department’s analysis refers to “required” elements that “may” be supplied to a prescription order. Clarification is in order.

b. In s. Phar 8.05 (7), second sentence, it is suggested that “with the exception of the” be stricken; after the stricken language, the following should be added: “A pharmacist may not add, modify or clarify for a schedule II, III, IV or V controlled substance the”.

c. In the next-to-last sentence of s. Phar 8.05 (7), it is suggested that “any other information required in sub. (1)” be eliminated and the specific information referred to be substituted. (It appears that the only information alluded to is the address of the patient.)