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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 04-142

#### 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 January 2005.]**

#### 1. Statutory Authority

Under s. 255.056 (7), Stats., the department is required to promulgate rules relating to the cancer repository program that do not appear to be included in proposed ch. HFS 148. They are as follows:

- A means, such as an identification card, by which an individual who is eligible to receive a donated cancer drug or supplies needed to administer a cancer drug may indicate that eligibility.
- A list of cancer drugs and supplies needed to administer cancer drugs, arranged by category or by individual cancer drug or supply, that the cancer drug repository program will accept for dispensing.
- A list of cancer drugs and supplies needed to administer cancer drugs, arranged by category or by individual cancer drug or supply, that the cancer drug repository program will not accept for dispensing.

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

a. In the analysis, following “Related statute(s) or rule(s),” “ch.” should be deleted and “and” should be inserted instead.

b. In s. HFS 148.07 (1), “ch.” should be inserted before “Phar 7.” This comment also applies to the paragraph under the heading “Effect on small business” in the analysis.

- c. In s. HFS 148.09 (3), “subs.” should be replaced with “sub.”

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

- a. In the table of contents title for s. HFS 148.11, “Record keeping” should be written as one word.

- b. In s. HFS 148.02 (2), “like” should be replaced with “such as.” Also, “ch. HFS 148” should be replaced with “this chapter.”

- c. In s. HFS 148.03 (3), in the text of the definition, “cancer supplies” should be replaced with “supplies.”

- d. In s. HFS 148.04 (2) (a) 2., it appears that a pharmacy or medical facility participating in the cancer repository program must employ or contract with a pharmacist. Should this pharmacist’s contact information be included in the notice of participation even if the pharmacy or medical facility designates a different person as the contact person for the program?

- e. Section HFS 148.04 (3) requires that a notice to withdraw participation be given by telephone or regular mail, which seems to preclude electronic mail. However, sub. (2) just requires that a notice of participation be written, which seems to allow electronic mail. Is this the intent?

- f. In s. HFS 148.05, it appears that the last sentence could be deleted.

- g. The note following s. HFS 148.07 (4) should also follow s. HFS 148.06 (2).

- h. In s. HFS 148.07 (2), it may be clearer to state that the pharmacist shall inspect cancer drugs and supplies for adulteration, misbranding, and the date of expiration before dispensing.

- i. In s. HFS 148.10, “sold” should replace “resold” since drugs or supplies donated by a manufacturer may never have been previously sold. A similar change should be made in the title of the section.

- j. In s. HFS 148.11 (2) (c), the comma after “person” should be deleted.