

Clearinghouse Rule 19-164

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)

PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 17.02 (1), (3), (5), (6), (7) and (8), 17.03, 17.04, 17.05, 17.06 and 17.07; to amend Phar 2.02 (1) (d) 1., and 3. and Phar 17.02 (4); and to create Phar 17.035 relating to pharmacy internships.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 450.03 (2) (b), Stats.

Statutory authority: ss. 15.08 (5) (b), and 450.02 (3) (d) and (e), Stats.

Explanation of agency authority:

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b), Stats.]

The board may promulgate rules necessary for the administration of chs. 450 and 961. [s. 450.02 (3) (d), Stats.]

The board may promulgate rules establishing minimum standards for the practice of pharmacy. [s. 450.02 (3) (e), Stats.]

Related statute or rule: Ch. Phar 2

Plain language analysis:

This rule simplifies and brings into statutory compliance ch. Phar 17.

SECTION 1 removes references which are rendered obsolete by the proposed rule revisions to Phar 17.

SECTION 2 amends the statutory citations to correctly reflect the statutory authority.

SECTIONS 3 and 5 repeal unnecessary definitions due to the simplification of the rules.

SECTION 4 amends the definition for “intern” to mean a person who is completing an internship. It does not include a person who is allowed an exemption to practice pharmacy without a license under direct supervision (a person who has successfully completed two years of pharmacy school or a pharmacist from another state while waiting for the Wisconsin license application to be processed).

SECTIONS 6 and 8 repeal the different types (academic, foreign graduate, practical experience, and student non-academic).

SECTION 7 creates general requirements for an internship. The intern may only perform duties under the direct supervision of a supervising pharmacist. The supervising pharmacist shall keep track of the hours and locations worked by the intern. This documentation will be signed by the intern and the pharmacist and disclosed to the Board upon request.

Summary of, and comparison with, existing or proposed federal regulation:

There are no federal regulations relating to pharmacist interns.

Comparison with rules in adjacent states:

Illinois: Illinois requires approved pharmacy programs to contain a minimum of 400 hours of direct contact hours in clerkship and externship experience including supervised training in inpatient environments providing for interdisciplinary experiences with other health professionals and distributive aspects of pharmacy practice.

Iowa: In Iowa an intern is a person who is enrolled in a college of pharmacy or actively pursuing a pharmacy degree, or as otherwise provided by the board is registered for the purpose of obtaining instruction in the practice of pharmacy from a preceptor pursuant to Iowa Code section 155A.6. A licensed pharmacist must be on duty and responsible for intern during all periods of training and tasks usually restricted to a pharmacist may be delegated to interns at the discretion of the supervising pharmacist.

Michigan: Michigan requires an intern to obtain an intern license. Before training an intern, a licensed pharmacist must obtain board approval. The preceptor is responsible for the overall internship program at the pharmacy.

Minnesota: Minnesota requires a person to register with the board before beginning an internship. Pharmacists intending to act as preceptors for interns must also register with the board. An intern performing tasks associated with dispensing or compounding shall be immediately and directly supervised by a licensed pharmacist stationed within the same work area who has the ability to control and is responsible for the actions of the intern. Immediate and

direct supervision by a licensed pharmacist is not required when the intern performs tasks that do not involve dispensing and compounding. However, all drug therapy and related recommendations that an intern proposes to make to other health professionals and patients must be reviewed and approved by a licensed pharmacist before they are made.

Summary of factual data and analytical methodologies:

The Pharmacy Examining Board did a comprehensive review of chapter Phar 17 to ensure the chapter is statutorily compliant and current with professional standards and practices.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for economic comments and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Dan.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on January 30, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Phar 2.02 (1) (d) 1., and 3. are amended to read:

Phar 2.02 (1) (d) 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 17.3.~~ 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 2. Phar 17.01 is amended to read:

Phar 17.01 **Authority.** The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11 (2), and ~~450.03 (1) (g) and (2) (b)~~ 450.02 (3) (d) and (e), Stats.

SECTION 3. Phar 17.02 (1) and (3) are repealed.

SECTION 4. Phar 17.02 (4) is amended to read:

Phar 17.02 (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~~ completing an internship in order to meet the requirement under s. 450.03 (2) (b), Stats. It does not include a person practicing pharmacy pursuant to s. 450.02 (1) (f) or (g), Stats.

SECTION 5. Phar 17.02 (5), (6), (7) and (8) are repealed.

SECTION 6. Phar 17.03 is repealed.

SECTION 7. Phar 17.035 is created to read:

Phar 17.035 Internship. (1) The intern shall be limited to performing duties constituting the practice of pharmacy under the direct supervision of a supervising pharmacist.
(2) The supervising pharmacist shall keep a written record of the hours and location worked by an intern under the pharmacist's supervision, signed by the intern and the supervising pharmacist. The written record shall be disclosed to the board upon request.

SECTION 8. Phar 17.04, 17.05, 17.06 and 17.07 are repealed.

SECTION 9. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
