Report From Agency

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	**:**	
PROCEEDINGS BEFORE THE	**:**	**REPORT TO THE LEGISLATURE**
PHARMACY EXAMINING BOARD	**:**	**CR 23-072**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 100. This was achieved by adding a definition of "pharmacy technician" to Phar 1.02, creating Phar 5.07 to clarify where rules for registration of pharmacy technicians can be found, and various amendments to chapter Phar 7 to include that registration as a pharmacy technician is required under certain circumstances. More specifically, the requirements in Phar 7.14 were revised to allow a trained pharmacy technician to do product verification for another pharmacy technician. Additionally, Subchapter V of Chapter Phar 7 was updated to better distinguish between the responsibilities of pharmacy technicians and uncredentialed pharmacy staff. Language clarifying standards of professional conduct was revised in Phar 10.03 (2), (17), and (19) to include pharmacy technicians. Finally, chapter Phar 19 was created to outline rules for pharmacy technician registration and the scope of practice for pharmacy technicians.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Pharmacy Examining Board held a public hearing on October 26, 2023. The following people either testified at the hearing, or submitted written comments:

- Michael DeBisschop, Pharm.D.
- Danielle Womack, Vice President – Public Affairs, Pharmacy Society of Wisconsin (PSW)

The Pharmacy Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

- Michael DeBisschop provided suggestions for changes in the following areas of the rule project:

- In Phar 7.07 (2), pharmacy product verification technicians do not need to be involved in automated technology product verification.
- In Phar 7.14 (1) (d), this section implies that the pharmacy product verification technician must be under direct supervision. Consider allowing general supervision instead.
- In Phar 7.60 (3), clarify who is considered "uncredentialed pharmacy staff" by adding "or practicing" after the word "registered" and adding the new "pharmacy graduate definition" from the Remote Dispensing rule (Clearinghouse Rule 23-054).
- In Phar 7.61, consider allowing P1/2 pharmacy students to practice under supervision under the authority of s. 450.03 (1) (i), Stats. and not require them to register as pharmacy technicians.
- In Phar 7.60, consider why definition of "general supervision" was removed. Is it the Board's intent for all pharmacy personnel to work under "direct supervision" only?
- Consider clarifying if telecommunication could be used to supervise pharmacy technicians and other staff in addition to uncredentialed pharmacy staff
- Consider allowing delivery of a drug or device to a patient by pharmacy staff.
- In Phar 19, consider explicitly stating the type of supervision that registered pharmacy technicians can operate under.
- In Phar 19, consider adding language similar to that from Phar 7.62 (5) to (7) on training, delegating, and verifying competency of tasks for pharmacy technicians.

- The PSW provided a letter and verbal testimony indicating support of the rule draft.

The Pharmacy Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:
No further changes were made as a result of public comments. However, the Board would like to note that several of the comments suggested by the public have been incorporated into the final rule draft as a result of the response to Clearinghouse comments, and into the Administrative Code as part of Clearinghouse Rule 23-054.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2j. In Section 10, the proposed rule creates a definition for "Uncredentialed pharmacy staff" within subch. V of ch. Phar 7, but that term is also used in the material created in ch. Phar 19 within the proposed rule. Should that definition, and other definitions in subch. V of ch. Phar 7, be moved to ch. Phar 1 to make clear they apply to all chapters of the board's rules?

Response: The Board has accepted this comment and would like to note that the reference to "uncredentialed pharmacy staff" was removed from Phar 19 and therefore that definition does not need to be moved to Phar 1 at this time. All other definitions in Phar 7.60 have been repealed or moved to Phar 1 as Clearinghouse staff suggested.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A