

STATEMENT OF SCOPE

PHARMACY EXAMINING BOARD

Rule No.: Phar 18

Relating to: Providing data to the prescription drug monitoring program

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

2013 Act 199 requires a person picking up certain controlled substances to present an identification card. The objective of the proposed rule is to implement 2013 Act 199 as it relates to the date by which the name of the person on the identification card or name of the person, based upon the pharmacist's personal knowledge, whom the drug is dispensed or delivered must be transmitted to the prescription drug monitoring program (PDMP).

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

2013 Act 199 requires the name, from personal knowledge or the identification card, of the person whom a drug is dispensed or delivered to be submitted to the PDMP. The proposed rule will add the name to the required data to be submitted. The rules promulgated may not require that a record delivered to the board before April 7, 2016, however the Board may not delay the requirement without consulting with representatives of licensed pharmacists and pharmacies and subject to the approval of the Secretary of the Department of Safety and Professional Services.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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

450.02 (2) The board shall adopt rules defining the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05.

450.02 (3) (d) The board may promulgate rules: Necessary for the administration and enforcement of this chapter and ch. 961.

450.19 (2) (b) The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs. The program shall do all of the following: Identify specific data elements to be contained in a record documenting the dispensing of a monitored prescription drug, including the method of payment and, subject to sub. (2m), the name recorded under s. 450.11 (1b) (bm). In identifying specific data elements, the board shall consider data elements identified by similar programs in other states and shall ensure, to the extent possible, that records generated by the program are easily shared with other states.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

50 hours

6. List with description of all entities that may be affected by the proposed rule :

Pharmacists and pharmacies

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Minimal. Any economic impact resulting from the requirement to submit the name to PDMP is a result of the statutory requirement created by 2013 Act 199 and not the impact of implementing the rule.

The rule is not likely to have a significant economic impact on small businesses.

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