

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 09-098
PHARMACY EXAMINING BOARD : (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The department estimates that this rule will require staff time in the Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$266. The department finds that this rule has no significant fiscal effect on the private sector.

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

This proposed rule-making order clarifies that a pharmacy is required to have a centrally monitored alarm system. The current rules permit a pharmacy to have an alarm system in the immediate physical structure within which a pharmacy is located.

The board recognized the need to tighten security requirements so that all pharmacies, even if they are located within a larger structure that is alarmed, would be equipped with an alarm. The board was contacted about the barriers to providing care to long term pharmacy care patients who receive care at home. As a result of subsequent discussion during a board meeting, the board decided to change its controlled substances faxing rule. The faxing change will assist small businesses in providing care to long term care patients at home.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on December 2, 2009. There were no appearances at the public hearing and no written comments were received. Eric Knox, Wisconsin Department of Corrections, Waupun, Wisconsin, attended the hearing for information only.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendation suggested in the Clearinghouse Report was accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Phar 6.08, 7.12, 8.12 CR09-098 (Security, utilization review, faxing) Report to Leg 12-3-09