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April 4, 2012

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REPRESENTATIVE JEFF STONE
COMMITTEE ON HEALTH
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RE: Germane Modification to Clearinghouse Rule 12-009

Dear Senator Moulton and Representative Stone:

Pursuant to s. 227.19(4)(b)3., Stats., the Pharmacy Examining Board (Board) is submitting a germane modification to Clearinghouse Rule 12-009, relating to the prescription drug monitoring program and affecting small business. The Board's modification affects the proposed rule as follows:

In SECTION 1, amend Phar 18.02 (6) to read:

"DEA registration number" means the registration number issued to a ~~pharmacy~~ dispenser or practitioner by the federal department of justice, drug enforcement administration.

In SECTION 1, amend Phar 18.02 (15) to read:

"NPI number" means national provider identifier number, the registration number issued to a dispenser or practitioner ~~or pharmacy~~ by the national provider identifier registry.

In SECTION 1, amend Phar 18.07 (2) to read:

A dispenser granted a waiver under sub. (1) who fails to submit dispensing data or a zero report as required by sub. (1) or submits false information to the board may be subject to disciplinary action by the licensing board that issued the license under which the dispenser is authorized to dispense monitored prescription drugs.

In SECTION 1, amend Phar 18.09 (2) to read:

A dispenser is not required to compile or submit dispensing data when the monitored prescription drug is administered directly to a patient.

In SECTION 1, amend Phar 18.11 (1) (d) to read:

The denial, suspension, revocation or other restriction or limitation imposed on the dispenser's, dispenser delegate's, practitioner's or practitioner delegate's account pursuant to s. Phar 18.10 (3).

In SECTION 1, amend Phar 18.12 (7) (b) to read:

Provides proof sufficient to the board that the person is entitled to the information under ~~s.~~ s. 146.82 (2) (a) 21., Stats.

In SECTION 1, amend Phar 18.12 (9) (b) to read:

Provides proof sufficient to the board that the person is entitled to the information under ~~s.~~ ss. 146.82 (2) (a) 6. or 20., Stats.

In SECTION 1, amend Phar 18.12 (10) (intro.) to read:

The board shall disclose the minimum amount of PDMP information to designated staff of a law enforcement authority in the same or similar manner, and <u>for</u> the same or similar purposes, as those persons are authorized to access similar confidential patient health care records under ss. 146.82 and 450.19, Stats., this chapter and other state or federal laws and regulations relating to the privacy of patient health care records if the designated staff does all of the following:

In SECTION 1, amend Phar 18.12 (10) (b) to read:

Provides a lawful order of a court of record under s. 146.82 (2) (a) 4., Stats., or provides evidence satisfactory to the board that the law enforcement agency is entitled to the information under s. 146.82 <u>(2)</u> (a) 11., Stats.

In SECTION 1, amend Phar 18.13 (6) (b) to read:

The collection of ~~prescription drug information~~ <u>dispensing data</u> as part of the assigned duties and responsibilities under s. 450.19, Stats., and this chapter.

In SECTION 1, amend Phar 18.15 (2) to (3) to read:

(2) In determining the compatibility of a prescription ~~drug~~ monitoring program to the program, the board may consider any of the following:

(a) The safeguards for privacy of patient records and the prescription monitoring program's success in protecting patient privacy.

(b) The persons authorized to access the information stored by the prescription ~~drug~~ monitoring program.

(c) The schedules of controlled substances monitored by the prescription monitoring program.

(d) The information required by the agency to be submitted regarding the dispensing of a prescription drug.

(e) The costs and benefits to the board of sharing information.

(3) The board may assess a prescription ~~drug~~ monitoring program's continued compatibility with the program at any time.

I understand that the submission of this germane modification will extend both Committee's review period for ten working days pursuant to s. 227.19(4)(b)3., Stats.

Please contact me at 608-266-0011 or chad.zadrazil@wisconsin.gov if you have any questions regarding this germane modification.

Sincerely,

/s/

Chad Zadrazil