

Report From Agency

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PHARMACY EXAMINING BOARD : CR 13-018
:**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

None

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 current rules does not provide enough flexibility for patients to have their prescription medication delivered to a location of their choice due to the current rule limiting delivery only to the patient's residence. The Pharmacy Examining Board has determined that permitting the delivery to a location of a patient's choice would be beneficial to patients and to pharmacies without negatively impacting public safety. When prescriptions are delivered, the prescription will be accompanied by appropriate directions and an indication that consultation is available by contacting the pharmacist.

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 April 15, 2013. The following people either testified at the hearing, or submitted written comments:

- Tom Engels representing the Pharmacy Society of Wisconsin
- Philip Trapskin, Fitchburg, Wisconsin

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

The Pharmacy Society of Wisconsin indicated by providing patients a delivery choice, as proposed by this rule change, the Pharmacy Examining Board will be improving access to pharmaceutical care and improving the health of patients. The proposed rule changes do not relieve the dispensing pharmacy of the responsibility to provide the patient a medication consultation. Furthermore, the proposed rule maintains the requirement that the medication must be delivered by an agent of the dispensing pharmacy. These requirements will ensure the safe transfer of the prescription medications and, if a problem should occur, the dispensing pharmacy can be held accountable.

Mr. Trapskin spoke neither for nor against the proposed rule. Mr. Trapskin raised the issue of consults being given to all patients rather than indicating that one is available by contacting the pharmacy.

The Pharmacy Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

No modifications resulting from public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

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

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

It does not have an effect on small business and was not submitted to the SBRRB.