

**Report From Agency**

**STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
PHARMACY EXAMINING BOARD : CR 13-075  
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**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:**

2011 Wisconsin Act 159 amended s. 961.38, Stats. to allow electronic prescriptions for schedule II controlled substances. This rule updates the Pharmacy Examining Board rules accordingly.

**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 30, 2013. The following person submitted written comments:

Joel Kurzman representing National Association of Chain Drug Stores

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

On behalf of the approximately 712 chain pharmacies operating in the state of Wisconsin, the National Association of Chain Drug Stores supports the proposed revisions to the administrative code that conform the pharmacy practice regulations to the statutory changes enacted in 2011 that allow for the electronic transmission of schedule II controlled substances prescriptions. The use of e-prescribing technology increases

operational efficiencies and enhances the level of accuracy of prescriptions that are transmitted in this manner.

The Pharmacy Examining Board made no modifications to its rule-making proposal based upon public comments.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

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

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

There is no report from the SBRRB nor a final Regulatory Flexibility Analysis as this rule change has no impact on small businesses