

**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 15-064**

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS: n/a**

**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 objective was to clarify a definition and move the misplaced word “emergency”.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Board held a public hearing on September 23, 2015. No one testified at the hearing or submitted written comments.

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

**Comment 5a:** In SECTION 1 of the proposed rule, it is not immediately clear what the phrase “unless otherwise provided for in s. 450.065” is referring to, because there does not appear to be any alternative to licensure available under that section.

**Response:** Section 450.065, Stats. does not create an alternative to licensure, but does contain the requirements for out-of-state pharmacies and creates some provisions which apply only to out-of-state pharmacies.. The definitions in ch. Phar 1 apply to all of the pharmacy rules, therefore, since some provisions for pharmacies do not apply to out-of-state pharmacies, the definition is clarifying the term “pharmacy” includes all pharmacies unless otherwise provided for in s. 450.065, Stats.

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

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

This rule does not affect small business.