

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 15-070)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 4.04 (2) (p) relating to submission of data to the prescription drug monitoring program.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.385(2)(b), Stats.

Statutory authority: s. 961.385, Stats.

Explanation of agency authority: “The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs.” s. 961.385, Stats.

Related statute or rule: ch. CSB 4, Admin. Code

Plain language analysis:

This rule implements 2013 Act 199 requiring the name of the person, either from on the id presented or known by the pharmacist, to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Iowa: Iowa does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Michigan: Michigan does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Minnesota: Minnesota does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Summary of factual data and analytical methodologies:

The methodology was to insert this requirement into the enumeration of required data to be submitted to the prescription drug monitoring program.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for economic comments for 14 days and none were received. Any economic impact resulting from the requirement to submit the name to PDMP is a result of the statutory requirement created by 2013 Act 199.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. CSB 4.04 (p) is created to read:

CSB 4.04 (p) The name recorded under s. 450.11(1b)(bm), Stats.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on April 9, 2017.

(END OF TEXT OF RULE)

This Proposed Order of the Controlled Substances Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chair

Controlled Substances Board