Report From Agency

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
CONTROLLED SUBSTANCES BOARD : CR 15-101

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:

Due to the transfer of authority from the Pharmacy Examining Board to the Controlled Substance Board, there are several provisions which need clarification or updating. In addition, there is necessary minor clean-up to make language gender neutral, the correction of the words "dispenser" and "dispenser delegate" which should be "pharmacist" or "pharmacist delegate" and the repeal of provisions no longer necessary.

In addition, 2015 Act 55 requires rules defining what constitutes suspicious or critically dangerous conduct or practices for purposes of disclosure to relevant state boards and agencies, relevant agencies of other states and relevant law enforcement agencies under circumstances indicating suspicious or critically dangerous conduct or practices of a pharmacy, pharmacist, practitioner or patient.

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 February 5, 2016. The following people either testified at the hearing:

Mark Grapentine, Wisconsin Medical Society

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

Mr. Grapentine spoke for information purposes only.

The Board did not make modifications to its rule-making proposal prompted by public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5b: In s. CSB 4.15, the board should confirm its intent to refer to "PDMP information" rather than dispensing data" in the context of the other amendments made in the rule."

Response: The Board confirms the intent to refer to PDMP information in this section. PDMP information refers to all data in the PDMP and dispensing data is data related to dispensing of the drug.

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 have an effect on small business.