

Report From Agency

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PHARMACY EXAMINING BOARD : CR 16-018**

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:

2013 Act 199 requires a person picking up certain controlled substances to present an identification card. The objective of the proposed rule is to implement 2013 Act 199 as it relates to length of time for maintaining the record of the name of the person presenting the identification card or the name of the person if personally known by the pharmacist.

2013 Act 199 also authorizes the Board to identify by rule other facilities to be included in the health care facility definition.

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 February 24, 2016. No one testified at the hearing, or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2a: In s. Phar 8.13 (1), a more direct distinction should be made between the statutory definition and the additional meaning added under the proposed rule, with a clear statement for the extent of its applicability. For example, the subsection could be phrased as follows: In s. 450.11 (1b) (e) 3., Stats., a 'health care facility' has the meaning given in s. 450.01 (1b) (a), Stats., and also means a hospice facility as defined in s. 50.90 (1) (c), Stats." Then, if desired, the definition under s. 450.01 (1b) (a), Stats., could be provided in a Note to the subsection.

Response: The Board is rejecting the comment due to a statutory reference could change and with that the rule would automatically change resulting in the Board having to promulgate a new rule to include the facilities already included. In addition, the Board indicates it is clearer to licenses to have all entities listed in the definition of health care facility rather than requiring cross referencing or placing it in a Note.

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 impact small businesses.