

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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|------------------------------|---|-----------------------------|
| IN THE MATTER OF RULE-MAKING | : | PROPOSED ORDER OF THE       |
| PROCEEDINGS BEFORE THE       | : | PHARMACY EXAMINING BOARD    |
| PHARMACY EXAMINING BOARD     | : | ADOPTING RULES              |
|                              | : | (CLEARINGHOUSE RULE 17-090) |

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PROPOSED ORDER

An order of the Pharmacy Examining Board to amend Phar 1.01 and Phar 1.02 (intro.) relating to authority and definitions.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 450.03 (2) (b), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 450.02 (3) (d), Stats.

**Explanation of agency authority:**

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define an enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b), Stats.]

The board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961. [s. 450.02 (3) (d), Stats.]

**Related statute or rule:** n/a

**Plain language analysis:**

Currently the authority and definition sections indicate the authority and definitions apply to chapters Phar 1 to 16. Chapter Phar 17 Pharmacy Internship was created in 2002 and that rulemaking order inadvertently did not expand the authority and definitions to include ch. Phar 17. This rule clarifies the authority and definition extend to ch. 17.

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

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires approved educational programs to contain an externship and clerkship experience.

**Iowa:** Iowa has administrative rules governing pharmacist internships.

**Michigan:** Michigan has administrative rules governing pharmacist internships.

**Minnesota:** Minnesota has administrative rules governing pharmacist internships.

**Summary of factual data and analytical methodologies:**

This rule is for clarification that the authority and definitions apply to all of the Pharmacy Code chapters.

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

This rule revises the authority and definition chapter to apply to all of the pharmacy code chapters and does not have an economic impact.

**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 [Kirsten.Reader@wisconsin.gov](mailto:Kirsten.Reader@wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received at or before the public hearing to be held on January 9, 2018 at 11:00 a.m. to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Phar 1.01 and 1.02 (intro.) are amended to read:

**Phar 1.01 Authority.** Rules in chs. Phar 1 to ~~46~~ 17 are adopted under authority of ss. 15.08 (5) (b), 227.11 (2), Stats, and ch. 450, Stats.


**Phar 1.02 Definitions.** As used in chs. Phar 1 to ~~16~~ 17:

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Pharmacy Examining Board is approved for submission to the Governor and Legislature.

Dated February 8, 2018

Agency   
Chair of the Pharmacy Examining Board