

**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 19-164**

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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 propose of the proposed rule is to simplify the internship requirements and ensure statutory compliance.

**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 January 30, 2020. The following people either testified at the hearing, or submitted written comments:**

Danielle Womack, representing Pharmacy Society of Wisconsin  
George MacKinnon III, PhD., representing Medical College of Wisconsin School of Pharmacy  
Steven Swanson, PhD., representing UW-Madison School of Pharmacy  
Michael Brown, representing Concordia University Wisconsin School of Pharmacy

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

Pharmacy Society of Wisconsin and the three schools of pharmacy made the following comments:

- Section 4 contains a type in the reference to s. 450.03 (1) (f) or (g)

- The reference to s. 450.03 (1)(f) as not being interns creates confusion. Recommend that any student in enrolled in a school of pharmacy is considered an intern.
- Pharmacy practice is evolving with team-based care and collaborative practice are becoming more prevalent. Recommend that an intern may also perform duties under the supervision of other licensed healthcare providers including physicians.
- Generally, pharmacy schools keep track of internship hours. Recommend changing the working to allow hours and location to be tracked and recorded according to employer or academic program policy and procedures.

In addition, the Medical College of Wisconsin School of Pharmacy recommended:

- Clarifying Phar 2.02 (1)(d) 1. to reflect that the school is only providing verification of a practical experience program under the school's direction.

In addition, the UW-Madison School of Pharmacy inquired about:

- The number of internship hours required since the definition containing the number of hours had been repealed.

**The Pharmacy Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:**

Section Phar 2.02 (1) is clarified by doing the following:

- Removing in par. (c), the references to foreign graduate internship (current s. Phar 17.04 which is being repealed in this proposed rule) and all associated requirements which corresponded to the foreign graduate internship.
- Inserted in par. (d), the number of hours required (current s. Phar 17.02(5) which is being repealed in this proposed rule).
- Modified subd. (d) 1. to clarify number of hours in a practical experience program.

The reference to s. 450.03 (1) (f) or (g) in the definition of “intern” has been removed. (This also eliminated the necessity of correcting the typographical error in the reference.) However, the Pharmacy Examining Board is not limiting an internship to only those enrolled in an educational program due to the Pharmacy Examining Board recognizing that there are other circumstances in which an internship may occur outside of an educational program in order to complete the requirements in s. 450.03 (2) (b), Stats.

Section Phar 17.035 now allows for general supervision. It also creates two methods for maintaining a record of internship hours: the school of pharmacy in a manner determined by the school or by the supervising pharmacist.

The Pharmacy Examining Board did not make modifications allowing another healthcare provider to provide supervision to the intern engaged in the practice of pharmacy. Under s. 450.03 (1) (f) or (i), Stats., an unlicensed person pay engage in the practice of pharmacy only under supervision of a person licensed as a pharmacist. The statutes do not provide an exception for those completing internship hours.

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

All of the 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 economic impact on small business.