

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-157)

ORDER

An order of the Pharmacy Examining Board to repeal Phar 2.06 (1) (title), (3) (a) and 4.02 (3); to renumber Phar 2.06 (3) (c) and 4.02 (5) and (6); to renumber and amend Phar 2.06 (3) (b) and 4.02 (4); and to amend Phar 2.03 (1), 2.06 (1), 12.03 (2) (d) and (e) and 13.05 (2), relating to consultation programs and licensure requirements.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 450.02 (2g) (a) and (3) (e), 450.03 (2), 450.04 (1), 450.05 and 450.085, Stats.

Statutes interpreted: ss. 450.02 (3) (e), 450.03 (2), 450.04 (1) and 450.02 (2g) (a), Stats.

The objective of the proposed amendment of ss. Phar 2.03 (1) and 2.06 (1) is to require the patient consultation portion of the laboratory practical examination for all applicants for original licensure and as part of an equivalency examination for persons licensed in another state who have not been engaged in the active practice of pharmacy as defined in the rules. The laboratory practical examination currently consists solely of an examination testing competence in the consultation of patients, and does not otherwise test compounding and dispensing competence. Currently, the rules do not allow the board to require any portion of continuing education to be acquired within specified topic areas.

The objective of the proposed repeal of ss. Phar 2.06 (3) (a) and 4.02 (3) and the relettering of s. Phar 2.06 (3) (b) and (c), and the renumbering and amending of s. Phar 4.02 (4) and the renumbering of s. Phar 4.02 (5) and (6) are to provide consistent examination references for applicants licensed in another state and residents of this state seeking original licensure. The objective of amending ss. Phar 2.06 (3) (b) and 4.02 (4) is to provide consistent nomenclature between those sections for the practical examination. The current examination requirements for original licensure are set forth in s. Phar 4.02 and include the multi-state pharmacy jurisprudence examination, the state practice of pharmacy examination, the laboratory practical examination, and the NAPLEX. The current examination requirements set forth in s. Phar 2.06 (3) for an applicant licensed in another state who has not engaged in the active practice of pharmacy include the state practice of pharmacy examination, the laboratory practical examination, and the multi-state pharmacy jurisprudence examination. The use of the NAPLEX national examination is determined by the board to adequately safeguard the health, safety and welfare of the citizens

of this state. Therefore, to provide clarity and consistency between chapters, the references to the state practice of pharmacy examination are being deleted from current ss. Phar 2.06 (3) (b) and 4.02 (4). The multi-state pharmacy jurisprudence examination will be retained as a requirement of all applicants. Section Phar 2.03 (1) is amended to provide consistency with the other amended rules.

Sections Phar 12.03 (2) (d) and (e), and 13.05 (2) are amended to remove dates which are no longer applicable.

As originally drafted, Sections 3, 4 and 5 of the proposed rule-making were intended to delete entirely the requirement for an applicant for licensure to take and pass the consultation portion of the laboratory practical examination contained in s. Phar 4.02 (4). Upon further review by the board following the public hearing for the proposed rule, it was decided that the consultation portion of the laboratory practical examination would be retained for all applicants for original licensure under s. Phar 2.03, and for persons licensed in another state who were not engaged in the active practice of pharmacy under s. Phar 2.06 (2). The proposed rule has been modified to reflect the board's decision to maintain the consultation examination under these circumstances. Accordingly, ss. Phar 2.06 and 4.02 have undergone revision to remove references to examinations no longer offered, and provide for consistent nomenclature for the state practical examination, which includes the consultation of patients.

At a duly noticed meeting of the Pharmacy Examining Board on December 11, 2001, the board considered and approved a modification to this rule. Based upon public comment offered at the public hearing on this rule before the Senate Committee on Health, Utilities, Veterans and Military Affairs on May 23, 2001, the board became aware of concerns of the Pharmacy Society of Wisconsin relating to the proposed continuing education requirements contained in the rule. Clearinghouse Rule 00-157, as modified, is resubmitted for legislative committee review.

TEXT OF RULE

SECTION 1. Phar 2.03 (1) is amended to read:

Phar 2.03 (1) An applicant for original licensure as a pharmacist is required to pass the examinations identified in s. Phar 4.02 (1), ~~(4) and (5)~~ (2) and (3).

SECTION 2. Phar 2.06 (1) (title) is repealed.

SECTION 3. Phar 2.06 (1) is amended to read:

Phar 2.06 Examinations for persons licensed in another state. (1) An applicant licensed as a pharmacist in another state who is engaged in the active practice of pharmacy, shall take the multi-state pharmacy jurisprudence examination described in s. Phar 4.02 (1); ~~and the patient consultation portion of the laboratory practical examination described in s. Phar 4.02 (4)~~. The applicant shall submit, on forms furnished by the board, information describing his or her practice experience preceding the filing of the application. The board shall may review requests for reciprocity.

SECTION 4. Phar 2.06 (3) (a) is repealed.

SECTION 5. Phar 2.06 (3) (b) is renumbered Phar 2.06 (3) (a) and amended to read:

Phar 2.06 (3) (a) ~~Laboratory practice~~ Practical examination.

SECTION 6. Phar 2.06 (3) (c) is renumbered Phar 2.06 (3) (b).

SECTION 7. Phar 4.02 (3) is repealed.

SECTION 8. Phar 4.02 (4), (5) and (6) are renumbered Phar 4.02 (2), (3) and (4) and as renumbered Phar 4.02 (2) is amended to read:

Phar 4.02 (2) The ~~laboratory~~ practical examination shall determine an applicant's competence in compounding and dispensing medications, which includes consultation of patients.

SECTION 9. Phar 12.03 (2) (d) and (e) are amended to read:

Phar 12.03 (2) (d) Register with the food and drug administration and comply with all applicable requirements of 21 CFR 200, 201, 202, 207, 210 and 211 ~~(1985)~~.

(e) If applicable, register with the drug enforcement administration and comply with all appropriate requirements of 21 CFR 1301, 1302, 1303, 1304, 1305, 1307, 1311 and 1312 ~~(1985)~~.

SECTION 10. Phar 13.05 (2) is amended to read:

Phar 13.05 (2) Pass an inspection of the facility conducted by the board or its representative to determine if the location meets standards specified in ss. Phar 13.08 to 13.11, 21 USC 351 and 352 ~~(1990)~~ and 21 CFR 211.142 (b) ~~(1991)~~.

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____

Chairperson
Pharmacy Examining Board

