

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-134)

PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 2.03 (5); to renumber Phar 2.02 (1) (d); to amend Phar 2.01 (2) and 2.03 (4); and to create ch. Phar 17 relating to a pharmacy internship program.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11, (2), Wis. Stats., and s. 450.03 (1) (g), Wis. Stats., as created by 2001 Wisconsin Act 16, and s. 450.04 (3) (b), Wis. Stats., as amended by 2001 Wisconsin Act 16.

Statutes interpreted: ss. 450.03 (1) (g) and 450.04 (3) (b), Wis. Stats.

In this rule-making order the Pharmacy Examining Board creates rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stats., effective December 31, 2001. Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

SECTION 1 amends the requirement for original licensure removing the statutory reference to Wis. Stat. s. 450.045, which was repealed.

SECTION 2 amends the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section. And SECTION 3 creates a rule consisting of what constitutes evidence of completing an internship.

SECTION 4 creates ch. Phar 17.

“Intern” is defined generally as a person engaged in the practice of pharmacy pursuant to ch. Phar 17. The definition of an intern is necessary to maintain the distinction between interns and technicians as encompassed in Wis. Admin. Code ch. Phar 7. Interns, with limitations, practice pharmacy. Technicians do not practice pharmacy.

“Internship in the practice of pharmacy” is defined to mean the completion of a minimum of 1500 hours in aggregate in the practice of pharmacy in one or more of five internship categories

under ch. Phar 17. Interns practice pharmacy under a pharmacist defined as a “supervising pharmacist.” Not all of the required 1500 hours need to be completed in any one category, yet a minimum of 1500 hours must be earned and certified.

For certain categories of interns the type of supervision provided by the supervising pharmacist must be “direct supervision” which means immediate on premises availability to continually coordinate, direct and inspect at first hand the practice of another.

Five categories of internship options are created and defined which are “academic internship,” “foreign graduate internship,” “postgraduate internship,” “practical experience internship” and “student non-academic internship.”

The academic internship is defined as a practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor’s of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

The foreign graduate internship is defined as the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has not graduated from a professional bachelor’s of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. This internship exists to provide an internship option for foreign graduates applying for original licensure who may not have completed a traditional pharmacy internship, therefore needing a means to complete an internship in the practice of pharmacy in this state.

The postgraduate internship is defined as the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has graduated from a professional bachelor’s of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. This class of intern may need either to obtain additional hours of internship credit to qualify for original licensure, or may be working under the supervision of a pharmacist while awaiting final board action on their application.

The practical experience internship is defined as practical experience acquired in another state which is comparable to an internship in one or more of the internship categories contained in ch. Phar 17.

The student non-academic internship is defined as the practice of pharmacy by a person which is not acquired in an academic internship. This type of intern typically engages in the practice of pharmacy within the context of summer internships which typically do not qualify for credit under an academic internship sponsored by an approved school.

The definition of intern includes a reference to s. 450.03 (1) (g), Stats. These persons have applied for a license under s. 450.05, Stats., as out-of-state licensees and their practice of pharmacy is limited by s. 450.03 (1) (g), Stats., to performing duties under the direct supervision of a person licensed as a pharmacist by the board and during the period before which the board takes final action on the person’s application. Such persons do not need to satisfy an internship requirement for licensure under s. 450.05, Stats., however, they are still defined as interns to

place such persons and their supervising pharmacists on notice of the requirements and distinctions between interns and technicians created by Wis. Admin. Code ch. Phar 7.

The rule further provides that a person participating in an academic internship is not required to register as an intern with the board. There is no restriction in the number of hours that can be earned in an academic internship.

The proposed rule requires that prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship the person must file an application with the board for original licensure. A foreign graduate internship is limited to the practice of pharmacy under the supervision of a supervising pharmacist who keeps a written record of the hours and location worked by the intern, signed by the intern and the supervising pharmacist. A person cannot work as a foreign graduate intern in excess of 2000 hours unless first submitting evidence of having obtained certification by the foreign pharmacy graduate examination committee. Upon completing a maximum of 3000 hours, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure as a pharmacist. An administrative grandfather provision provides that a person currently practicing pharmacy as a registered intern on or before December 31, 2001, under the former rules of the dissolved pharmacy internship board, is not required to comply with the requirements of this section, except for recordkeeping, until May 31 in the third year succeeding the year in which the registration under the former pharmacy internship board rules, was granted, unless such registration was previously revoked, suspended or cancelled.

Also, the proposed rule requires that prior to performing duties as an intern or to receiving credit for hours participating in a postgraduate internship the person must file an application for original licensure and have graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. The internship is limited to the practice of pharmacy under the supervision of a supervising pharmacist who keeps a written record of the hours and location worked by the intern, signed by the intern and the supervising pharmacist. The internship is limited to a maximum of 2000 hours at which time the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure as a pharmacist.

The proposed rule provides that there is no restriction in the number of hours that can be earned in a practical experience internship. In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Stats.

The rule limits participation in a student non-academic internship to persons who successfully complete their second year in and are enrolled at a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state. The internship is also limited to the practice of pharmacy under the direct supervision of a supervising pharmacist who keeps a written record of the hours and location worked by the intern, signed by the intern and the supervising pharmacist.

The rule also amends the requirement for original licensure removing the statutory reference to s. 450.045, Stats., which was repealed by 2001 Wisconsin Act 16.

The rules amend the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section. The rule also amends the requirement for when applicants may take required tests for original licensure. And, repeals a rule that is no longer required.

TEXT OF RULE

SECTION 1. Phar 2.01 (2) is amended to read:

Phar 2.01 (2) Has completed an internship ~~program approved by the pharmacy internship board under s. 450.045, Stats~~ in the practice of pharmacy.

SECTION 2. Phar 2.02 (1) (d) is renumbered Phar 2.02 (1) (e).

SECTION 3. Phar 2.02 (1) (d) is created to read:

Phar 2.02 (1) (d) Evidence of having completed an internship in the practice of pharmacy which shall consist of one or more of the following:

1. A statement from the dean of the school of pharmacy or the academic records office of the respective educational institution certifying the number of hours that the applicant has successfully completed in a practical experience program described in ch. Phar 17.

2. A statement from a supervising pharmacist certifying the number of hours that the applicant was supervised by that supervising pharmacist in an internship in the practice of pharmacy described in ch. Phar 17.

3. Verification of practical experience acquired by the applicant in another state as described in ch. Phar 17, which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired.

SECTION 4. Phar 2.03 (4) is amended to read:

Phar 2.03 (4) An applicant for licensure as a pharmacy ~~may~~ shall not be eligible to be admitted to the NAPLEX or the multi-state pharmacy jurisprudence examination prior to obtaining certification by the foreign pharmacy graduate examination committee and being within 360 credit hours of completing an internship in the practice of pharmacy or 60 days before completion of the applicant's internship graduation from a school or college of pharmacy approved by the board. ~~Except as provided in sub. (5), an~~ An applicant may not be admitted to the ~~laboratory~~ practical examination before the test date which immediately follows completion of the applicant's internship in the practice of pharmacy.

SECTION 5. Phar 2.03 (5) is repealed.

SECTION 6. Chapter Phar 17 is created to read:

CHAPTER PHAR 17
PHARMACY INTERNSHIP

Phar 17.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11 (2), 450.03 (1) (g) and 450.04 (3) (b), Stats.

Phar 17.02 Definitions. In this chapter:

(1) “Academic internship” means a practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor’s of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(2) “Direct supervision” means immediate on premises availability to continually coordinate, direct and inspect at first hand the practice of another.

(3) “Foreign graduate internship” means the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has not graduated from a professional bachelor’s of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(4) “Intern” means a person engaged in the practice of pharmacy pursuant to subs. (1), (3), (6) and (8) or s. 450.03(1) (g), Stats.

(5) “Internship in the practice of pharmacy” means the completion of a minimum of 1500 hours in aggregate in the practice of pharmacy under subs. (1), (3), (6), (7) or (8).

(6) “Postgraduate internship” means the practice of pharmacy by a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has graduated from a professional bachelor’s of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(7) “Practical experience internship” means practical experience acquired in another state which is comparable to an internship as described in subs. (1), (3), (6) and (8).

(8) “Student non-academic internship” means the practice of pharmacy by a person which is not acquired in an academic internship.

(9) “Supervising pharmacist” means a pharmacist who supervises and is responsible for the actions of an intern in the practice of pharmacy.

Phar 17.03 Academic internship. A person participating in an academic internship is not required to register as an intern with the board. There is no restriction in the number of hours earned in an academic internship.

Phar 17.04 Foreign graduate internship. (1) Prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship the person must file an application with the board for original licensure under s. Phar 2.02.

(2) A foreign graduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising pharmacist. The written record shall be produced to the board upon request.

(3) A person shall not further engage in the practice of pharmacy as a foreign graduate intern in excess of 2000 hours unless that person first submits to the board evidence of having obtained certification by the foreign pharmacy graduate examination committee.

(4) Upon completing a maximum of 3000 hours of the practice of pharmacy in a foreign graduate internship, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(5) A person currently practicing pharmacy as an intern on or before December 31, 2001, who registered as an intern under former s. Ph-Int 1.01 (3) (d) 3., is not required to comply with the requirements of this section until May 31 in the third year succeeding the year in which the registration under former s. Ph-Int (3) (d) 3., was granted, unless such registration was previously revoked, suspended or canceled. The supervising pharmacist shall keep a written record of the hours and location worked by the person as an intern under his or her supervision, signed by the person and the supervising pharmacist. The written record shall be produced to the board upon request. Internship hours completed under this subsection may be certified to the board on a board approved form.

Phar 17.05 Postgraduate internship. (1) Prior to performing duties as an intern or to receiving credit for hours participating in a postgraduate internship, the person must file an application with the board for original licensure under s. Phar 2.02 and submit to the board evidence of having been graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(2) A postgraduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising therapist. The written record shall be produced to the board upon request.

(3) Upon completing a maximum of 2000 hours of the practice of pharmacy in a postgraduate internship, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

Phar 17.06 Practical experience internship. There is no restriction in the number of hours earned in a practical experience internship. In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Stats.

Phar 17.07 Student non-academic internship. (1) Prior to performing duties as an intern or to receiving credit for hours participating in a student non-academic internship the person must successfully complete his or her second year in and be enrolled at a professional bachelors of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(2) A student non-academic internship is limited to performing duties constituting the practice of pharmacy under the direct supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her direct supervision, signed by the intern and the supervising pharmacist. The written record shall be produced to the board upon request.

(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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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