

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 10

Relating to: Prescriptions for Hydrocodone Combination Products by Optometrists

Rule Type: Both Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

2015 Act 34, Section 3 provides an exemption from providing a finding of emergency.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to amend the list of therapeutic pharmaceutical agents for use by optometrists to include hydrocodone combination products. This proposed rule will implement 2015 Act 34.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Hydrocodone combination products were rescheduled to Schedule II controlled substances by the federal government effective October 6, 2014 and the Wisconsin Controlled Substances Board effective November 1, 2014. The scheduling change removed the ability for optometrists to prescribe hydrocodone combination products, which they had been able to prescribe for 25 years. 2015 Act 34 specifically added language to the statutes to allow optometrists to prescribe hydrocodone combination products pursuant to the promulgation of rules.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

s. 449.18 (6) (cm) The secretary shall, after consultation with the [optometry] examining board, the medical examining board and the pharmacy examining board, promulgate rules specifying those therapeutic pharmaceutical agents that may or may not be prescribed or administered.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

75 hours

6. List with description of all entities that may be affected by the proposed rule:

Optometrists, pharmacists, and patients.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

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