

Chapter Phar 6

PHARMACY LICENSES AND EQUIPMENT

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Note: Chapter Phar 6 as it existed on January 31, 1983, was repealed and a new chapter Phar 6 was created effective February 1, 1983.

Phar 6.01 Licenses; application. Requirements and procedures for applying for a pharmacy license are specified in s. 450.06, Stats. Approved application forms are available from the board. Appointments for the required pharmacy inspection may be made by contacting the board office. A license application and fee shall be on file with the board at least 30 days prior to the granting of the pharmacy license. A pharmacy may not operate unless a pharmacy license has been granted. Board action shall be taken within 60 business days of receipt of a completed pharmacy application, as provided in s. SPS 4.03.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, January, 1983, No. 325, eff. 2–1–83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1989, No. 397; am. Register, August, 1991, No. 428, eff. 9–1–91; am., Register, December, 1998, No. 516, eff. 1–1–99; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

Phar 6.02 Licenses; change of location or ownership. (1) A pharmacy license authorizes a pharmacy to operate only at the location designated on the license. Licenses may not be transferred to another location.

(1m) A hospital which has a pharmacy area providing outpatient pharmacy services which is physically separate from, and not contiguous to the area from which inpatient pharmacy services are provided, shall have a pharmacy license for the outpatient pharmacy in addition to a license for the inpatient pharmacy.

(2) Any change in pharmacy ownership shall be reported to the board office and the pharmacy license of the former owner returned. A pharmacy license shall be granted to the new pharmacist owner before the pharmacy may operate.

History: Cr. Register, January, 1983, No. 325, eff. 2–1–83; am. Register, August, 1991, No. 428, eff. 9–1–91; cr. (1m), Register, February, 1996, No. 482, eff. 3–1–96.

Phar 6.03 Changes in managing pharmacist. The pharmacy owner shall report to the board any change of managing pharmacist within 5 days following the change.

History: Cr. Register, January, 1983, No. 325, eff. 2–1–83.

Phar 6.04 Floor design. (1) PROFESSIONAL SERVICE AREA. The professional service area of a pharmacy shall not be less than 250 sq. ft. No more than 20% of the space may be used for storage of bulk pharmaceuticals. If the pharmacy is open at any time solely as a non-prescription or sundry outlet, without a pharmacist present, the professional service area shall be secured as specified in sub. (3). A variance to the 250 sq. ft. professional service area requirement may be authorized by the board upon submission of a specific plan describing the manner in which the proposed professional service area plan varies from the requirement.

(2) PRESCRIPTION COUNTER SPACE. A pharmacy shall have a prescription counter with a free working surface of 18 or more inches in width and at least 12 square feet in area. This free-working surface must be used only for the compounding and dispensing of prescriptions.

(3) PROFESSIONAL SERVICE AREA REQUIREMENTS WHERE PHARMACIST IS ABSENT. (a) Except as provided in par. (c), if no pharmacist is present in the professional service area, a pharmacy may convert to a non-prescription or sundry outlet if the following requirements are met:

1. A secured, physical barrier surrounds the professional service area of the pharmacy and precludes access to the area by unlicensed personnel. A secured barrier may be constructed of other than a solid material with a continuous surface. If constructed of other than a solid material, the openings or interstices in the material shall not be large enough to permit removal of items from the professional service area by any means. Any material used in the construction of the barrier shall be of sufficient strength and thickness that it cannot be readily or easily removed, penetrated or bent. The plans and specifications of the barrier shall be submitted to the board for approval.

2. The barrier is locked in the absence of the pharmacist.

3. A patient's telephone request to renew a certain prescription may be accepted, but a telephone message from a practitioner giving a new prescription order or renewal authority may not be accepted.

5. Signs of reasonable size are posted at the entrance of the building and the professional service area prominently displaying the hours the pharmacist will be on duty.

6. The manner in which the telephone is answered does not imply that the location is, at that time, operating as a pharmacy.

7. The pharmacy examining board office is notified of the hours during which the establishment is operated as a sundry outlet.

(b) The managing pharmacist is responsible for compliance with all professional service area security requirements.

(c) Where no pharmacist is present in the professional service area a pharmacy is not required to convert to a non-prescription or sundry outlet if the following requirements are met:

1. The pharmacist is absent for a time period of one half hour or less.

2. The pharmacist must be accessible for communication with the remaining pharmacy staff by phone, pager or other device.

3. The pharmacy must indicate that the pharmacist is not available in the professional service area and indicate the period of absence and the time of the pharmacist's return.

4. Pharmacy technicians may only perform duties allowed by s. Phar 7.015 (2).

(4) PROFESSIONAL SERVICE AREA REMODELING. Any modifications of the approved floor plan shall be submitted to and approved by the board or its designee. Board action must be taken within 60 days.

History: Cr. Register, January, 1983, No. 325, eff. 2–1–83; cr. (4), Register, August, 1991, No. 428, eff. 9–1–91; r. (3) (a) 4., Register, January, 1996, No. 481, eff. 2–1–96; CR 03–096: am. (3) (a) (intro.), cr. (3) (c) Register May 2004 No. 581, eff. 6–1–04.

Phar 6.05 Sanitation. The professional service area of a pharmacy shall have a sink convenient and suitable for cleaning

pharmaceutical equipment and supplied with hot and cold running water. Detergent and a waste disposal container also shall be provided in the professional service area.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Phar 6.06 Laws and other references. The professional service area of a pharmacy shall have equipment of appropriate design and size for the intended pharmacy practice and shall have all of the following:

(1j) The latest available or immediately accessible version of federal and state pharmacy laws consisting of:

(a) Drug enforcement administration regulations, 21 CFR 1300 to end.

(b) Wisconsin pharmacy laws, ch. 450, Stats.

(c) Wisconsin controlled substances act, ch. 961, Stats.

(d) Wisconsin administrative code, rules of the pharmacy examining board.

(2k) References appropriate to the individual pharmacy practice. These references should include, but are not limited to, the following topics: drug interactions; patient counseling; compounding and pharmaceutical calculations; and generic substitution.

(3L) The telephone number of a poison center. This number shall be conspicuously posted in the prescription department.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; r. and recr. Register, January, 1989, No. 397, eff. 2-1-89; correction in (2) made under 13.93 (2m) (b) 6., Stats., Register, January, 1989, No. 397; am. (1) (j) 3., Register, December, 1998, No. 516, eff. 1-1-99; CR 01-023: am. (1) (intro.) and (a) to (c), (j) (intro.) and (k), Register, August 2001 No. 548 eff. 9-1-01; 2017 Wis. Act 18: r. and recr. (title), renum. (1) (intro.) to (intro.) and am., r. (1) (a) to (i), renum. (1) (j), (k), (L) to (1j), (2k), (3L), r. (2) Register June 2017 No. 738, eff. 7-1-17.

Phar 6.07 Storage. (1) The storage of drugs shall be secure, neat, clean and orderly.

(3) All controlled substances shall be stored in a securely locked, substantially-constructed cabinet or dispersed throughout the inventory of non-controlled substances in a manner that obstructs theft or diversion.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; CR 19-165: r. and recr. (1), r. (2), am. (3) Register July 2020 No. 775, eff. 8-1-20.

Phar 6.075 Temperature; Humidity. (1) DEFINITIONS. In this section:

(a) "Business day" means a day the pharmacy is open for business.

(c) "Freezer" means a place in which the temperature is maintained between -13 and +14 degrees Fahrenheit.

(d) "Mean kinetic temperature" means the calculated temperature at which the total amount of degradation over a particular period is equal to the sum of the individual degradations that would occur at various temperatures.

(e) "Refrigerator" means a place in which the temperature is maintained between 36 and 46 degrees Fahrenheit.

(2) STORAGE. Drugs shall be stored at appropriate conditions, including temperature and humidity, to prevent drug adulteration.

(3) RECORDING DEVICES. Manual, electromechanical or electronic temperature and humidity recording devices shall be placed within the storage space to accurately determine the area's temperature and humidity.

(4) FREQUENCY. The temperature of the refrigerator, freezer and pharmacy and the humidity of the pharmacy shall be continuously monitored. At least once each business day, the minimum and maximum temperature and humidity since the previous documented reading shall be recorded.

(5) RECORDS. Temperature and humidity records shall be maintained for a minimum of 5 years.

(6) DISPENSING OF SAFE DRUGS. The pharmacist shall use professional judgment, including consideration of the mean kinetic temperature, to determine whether a drug is safe to be dispensed.

History: CR 16-073: cr. Register November 2017 No. 743, eff. 12-1-17; corrections in (1) (b) and (c), (6) made under s. 35.17, Stats., Register November 2017 No. 743; CR 19-165: r. (1) (b), am. (2), r. and recr. (4) Register July 2020 No. 775, eff. 8-1-20.

Phar 6.08 Security. A pharmacy shall have a centrally monitored alarm system in the pharmacy. A security system or plan that does not utilize a centrally monitored alarm system may be used if reviewed by and prior approval is obtained from the board.

History: Cr. Register, December, 1998, No. 516, eff. 1-1-99; CR 05-001: am. Register August 2005 No. 596, eff. 9-1-05; CR 09-098: am. Register May 2010 No. 653, eff. 6-1-10.