

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-159

AN ORDER to amend Ph-Int 1.02 (1) (d), (3), (4), (6), (7), (8) and (11), 1.03 (1) and (2) (g), 1.05, 1.06 (2) and (4) (a), (c) and (e) and 1.07 (1), (2) and (5); to repeal and recreate Ph-Int 1.04 (1) and (4) and 1.06 (3) and (4) (d); and to create Ph-Int 1.02 (1) (e), relating to pharmacy intern training.

Submitted by **PHARMACY INTERNSHIP BOARD**

11-22-99 RECEIVED BY LEGISLATIVE COUNCIL.

12-21-99 REPORT SENT TO AGENCY.

RS:DD:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

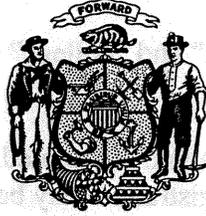
Comment Attached YES NO

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CLEARINGHOUSE RULE 99-159

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The rule does not comply with minimal drafting format and style set forth in Part I of the Manual. While in some cases it is possible to determine what the rule intends to accomplish and how it affects current rules, in other cases that is not possible because of the failure to follow basic drafting format and style. Therefore, it is not possible to provide complete comments in this Clearinghouse report; it is suggested that the rule be redrafted in its entirety, following the provisions of the Manual.

b. General examples of failure to follow standard drafting format and style include:

(1) Absence of an introductory clause. See s. 1.02 (1), Manual.

(2) Failure to provide a plain language analysis of the rule; the analysis provided explains why the rule is being promulgated but not what it does. See s. 1.02 (2), Manual.

(3) Absence of treatment clauses. See s. 1.04, Manual.

(4) Failure to properly show the amendment of rules by underscoring and striking. See s. 1.06, Manual.

The following comments are offered to assist in the redrafting of the rule:

c. Can s. Ph-Int 1.02 (1) (d) be redrafted as follows: "A pharmacist licensed in another state who has applied to become licensed in Wisconsin"? Should the provision be more specific? Compare proposed s. Ph-Int 1.02 (1) (e).

d. The slash between "school" and "college" in s. Ph-Int 1.02 (1) (e) should be replaced by "or."

e. Section Ph-Int 1.02 (3) should be treated before s. Ph-Int 1.02 (4). In sub. (3), it appears that "exception, internship registration may be granted" can be replaced by "or."

f. In s. Ph-Int 1.02 (7), the comma after "May 31" should be deleted.

g. In s. Ph-Int 1.02 (8), the parenthesis currently included in the subsection should be deleted.

h. In s. Ph-Int 1.02 (11), consideration should be given to replacing "should be" by "shall" if that is the intent; retention of "should be" raises questions about whether there is a deadline.

i. The proposed new language of s. Ph-Int 1.03 (1) is awkward. It appears that reference should be made to "having" completed an out-of-state pharmacy internship and "having" met the pharmacy internship board requirements of this state.

j. In s. Ph-Int 1.03 (2) (g), the use of "concurrently" does not reflect current wording of that paragraph.

k. Is s. Ph-Int 1.04 (1) intended to cross-reference s. Phar 7.01, in its entirety or, rather, sub. (3) of that section?

l. Section Ph-Int 1.05 should indicate who grants the credit.

m. Section Ph-Int 1.06 (2) should indicate what the "state's pharmacist licensure cycle" is or should include an appropriate cross-reference to an administrative code or statutory provision that states the cycle.

n. In s. Ph-Int 1.06 (3), it appears that "valid" is unnecessary.

o. In s. Ph-Int 1.06 (4) (a), the clause "or at the discretion of the director of pharmacy internship with the advice (not "advise") of the pharmacy internship board" is incomplete; to what does it refer?

p. In s. Ph-Int 1.06 (4) (c), it is suggested that "full-time" be deleted, along with the parentheses, and that the provision refer to current practice as a registered pharmacist "averaging 32 or more hours weekly . . ." (if that is the intended meaning). Again, the clause "or at the discretion of the director of the pharmacy internship board with the advise (sic) of the pharmacy internship board" is incomplete.

q. In s. Ph-Int 1.06 (d), reference to sub. (4) is missing from that citation. The provision should specifically indicate where the continuing education requirements are stated in rule or statute.

r. Again, the reference to s. Ph-Int 1.06 (e) fails to include the subsection reference. In the second sentence of that paragraph, as set forth in the rule, "for" appears to be an unnecessary addition.

s. In s. Ph-Int 1.07 (1), the definitions should be placed in a separate subsection and drafted in appropriate format. In the third sentence of that subsection, it appears that "as approved" is unnecessary.

t. Should current s. Ph-Int 1.07 (6) be amended to include reference to "pharmacy internship learning site"?

NOTICE IS HEREBY GIVEN That pursuant to ss. 36.25 (20), Stats., and interpreting s. 450.045, Stats., the Pharmacy Internship Board, will hold a public hearing at the University of Wisconsin-Madison School of Pharmacy, 5120 Chamberlin Hall in the city of Madison, Wisconsin, on the 25th day of January 2000, at 12:30 P.M. to consider the creation and amendment of rules relating to the Pharmacy Internship Board.

Analysis Prepared By: Pharmacy Internship Board:

The profession of pharmacy, its roles, tasks, duties, and responsibilities have evolved greatly within the past five years. Similarly, the roles, tasks, duties, and responsibilities for interns enrolled in the state's pharmacy internship program have evolved as a prerequisite for pharmacist licensure in Wisconsin. Ending in 1999, the five-year baccalaureate degree has been replaced with the six-year Doctor of Pharmacy degree (Pharm.D.) as the entry-level degree into the pharmacy profession. With the inception of the Pharm.D., changes also have occurred in the didactic and experiential learning course work required by the American Council on Pharmaceutical Education, an accreditation agency, for schools and colleges of pharmacy nationwide. As a result, pharmacy students may now accrue all pharmacy internship hours while enrolled in the academic curriculum. This differs from the former baccalaureate degree where a minimum of 1000 of the 1500 hour pharmacy internship requirement had to be served extracurricularly. Furthermore, changes in experiential learning course work, and the need for pharmacist preceptor supervision, now takes place earlier in the curriculum than in the past. The pharmacy internship board needs to amend its current rules and make rule changes in light of this.

Other factors necessitate changes in the pharmacy internship board rules. International pharmacy graduates (graduates from non-accredited schools and colleges of pharmacy) can pursue pharmacist licensure in Wisconsin as allowed by the Wisconsin Pharmacy Examining Board. A prerequisite to do this includes serving a pharmacy internship of 1500 hours before the state board exams are taken. Amendments and additional pharmacy internship board rules are needed to reflect this change. Pharmacy residency programs (as a form of postgraduate professional training) will continue to emerge. Since some pharmacy residents elect not to pursue pharmacist licensure during this training, the pharmacy internship board is needed to provide oversight and ensure adequate supervision and consumer protection. Pharmacy internship board rule amendments and changes are needed to reflect this. Last, pharmacists licensed in other states who have applied and are waiting to complete the Wisconsin pharmacist licensure exams often desire pharmacy internship licenses to practice in the interim period before they are licensed. Pharmacy internship board rule amendments and rule changes are needed to ensure these pharmacists are eligible to practice as pharmacist interns before being allowed to practice under the supervision of a registered pharmacist.

Analysis explains why but not what

Statutory Authority

Pursuant to authority vested in the state of Wisconsin pharmacy internship board by s. 36.25(20). Stats., the state of Wisconsin pharmacy internship board hereby proposes to amend, repeal, and create rules interpreting ss. 36.25(20) and 450.045, Stats., as follows:

Addition: 1.02 (1) (d) Include: "A pharmacist licensed in another state who is waiting to ~~reciprocate their license into Wisconsin.~~"

Addition: 1.02 (1) (e) Include: "A person who has successfully graduated from a school/college of pharmacy outside the United States and has met the prerequisites for pharmacy internship as determined by the pharmacy internship board."

Amendment 1.02 (4) Include: "... except for non-credit internships at the discretion of the director of the pharmacy internship board with the advise of the pharmacy internship board."

Amendment: 1.02 (3) Include: "Exception, internship registration may be granted to an individual at the beginning of the fourth year of a Doctor of Pharmacy program concurrent with academic registration on a non-credit basis."

Amendment: 1.02 (6) Revise: "...as determined by the Pharmacy Internship Board" versus a \$50 fee.

Amendment: 1.02 (7) Revise: "Registration as an intern expires on July 1 May 31 in the fourth year succeeding the year in which the registration fee was recorded, unless revoked, suspended, or canceled."

Amendment 1.02 (8): Revise: "...pharmacy or pharmacy internship site..." Also, correct punctuation to include a closing parenthesis.

Amendment 1.02 (11): Revise: "Application for pharmacy internship training should be received by the pharmacy internship board at least ~~one week~~ 14 days before beginning internship training."

Amendment 1.03 (1) Include: "Or, has completed an out-of-state pharmacy internship and has met the pharmacy internship board requirements in the state of Wisconsin."

Amendment 1.03 (2) (g) Revise time limit: "No more than ~~320~~ 300 hours of internship credit, in aggregate, shall be granted for less than full-time internship training concurrently with academic registration in the Doctor of Pharmacy degree program."

Amendment 1.04 (1) Revise completely: " The preceptor may supervise an intern pursuant to Phar 7.01."

↓
S. check

→ more spec. file

current practice

meaning? forward

eliminate periods

A. says

having

Amendment 1.04 (4) "Revise completely: " Non-credit internships may be granted by the director of pharmacy internship under the advice and consent of the pharmacy internship board."

Amendment 1.05 Revise: "Credit for pharmacy internship experience gained in a state other than Wisconsin may be granted toward the Wisconsin requirement if the preceptor, practice environment, time considerations and all other aspects of the internship meet the same criteria required of in-state internships. All out-of-state pharmacy internships shall be evaluated by the Director of Pharmacy Internship before such experience is granted."

who grants?
see 1.23

Amendment 1.06 (2) Revise: "Certification must be renewed biennially in conjunction with the state's pharmacist licensure cycle." — state what it is

Amendment 1.06 (3) Revise completely: "A valid certificate attesting to the certification of a preceptor shall be issued by the pharmacy internship board and displayed at the preceptors' pharmacy or pharmacy internship site."

Amendment 1.06 (4) (a) Revise: "Completion of 36 months of practice as a registered pharmacist or at the discretion of the director of pharmacy internship with the advice of the pharmacy internship board."

Amendment 1.06 (4) (c) Clarification: "Current full-time practice as a registered pharmacist (32 or more hours weekly) or at discretion of the director of the pharmacy internship board with the advice of the pharmacy internship board."

Amendment 1.06 (d) Revise: "Meeting the continuing education requirements for pharmacist licensure by the Wisconsin pharmacy examining board and certification by pharmacy internship board."

where are these requirements? current (1) 4

Amendment 1.06 (e) Revise: "Participation in preceptor training sessions as deemed appropriate by the pharmacy internship board. Credit for participation may be ~~will be~~ granted for toward the continuing education requirement."

Amendment 1.07 (1) "The pharmacy or pharmacy internship learning site in which the internship training ~~is practice takes place~~ must exemplify comprehensive pharmaceutical practice. A pharmacy is defined pursuant to Phar. 450.06. A pharmacy internship learning site is defined as site approved for pharmacy internships (as approved by the pharmacy internship board.)"

Separate for base job

delete

Amendment 1.07 (2) Addition: "The pharmacy or pharmacy internship learning site... ." Also, word change: Change "inculcate" to "provide."

Amendment 1.07 (5) Change: "A pharmacy must be licensed a minimum of 12 months and a pharmacy internship learning site must be in existence for at least 12 months."

Amend (6) ?

Initial Regulatory Flexibility Analysis:

The proposed rules and rule changes are not foreseen to ^{4.} effect small businesses.

Fiscal Estimate:

The proposed rules and rule changes are not foreseen to have a fiscal impact on the liabilities, and revenues of a county, city, village, town, school district, vocational, technical and adult education district and the sewerage district.

The proposed rules and rule changes are not foreseen to have a fiscal impact on the state's current budgetary biennium.

Contact Person:

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