

STATEMENT OF SCOPE

PHARMACY EXAMINING BOARD

Rule No.: Chapter Phar 18

Relating to: Operation of the Prescription Drug Monitoring Program (PDMP)

Rule Type: Permanent

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

N/A

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

The objective of the rule is to include in the definition of practitioner the holder of various Medical Examining Board temporary physician licenses (including the following: visiting professor license, camp physician license, locum tenens license, temporary educational permit, temporary physician license and resident educational license); minor clean-up which includes to modify language to make gender neutral and incidents of the words “dispenser” and “dispenser delegate” which should be “pharmacist” or “pharmacist delegate” and the repeal of s. Phar 18.03 (2) and (3) which are no longer necessary because 2013 Act 124 included schedules IV and V listed in sub. (2) to the requirements in statute and tramadol is now federally scheduled so sub. (3) and thus covered by sub. (1).

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:

The Medical Examining Board liaison to the Prescription Drug Monitoring Program requested the inclusion of the various temporary licenses in order that these practitioners are allowed access to the PDMP without the requirements of becoming another practitioner’s delegate. This change will streamline the usage of the PDMP. The alternative to the existing policy is there would be holders of temporary physician licenses who are not allowed access to PDMP without becoming a delegate of another practitioner.

The other proposed changes do not change policy and are a clean-up to remove redundancy and create clarity.

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

15.08 (5) (b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

450.02 (3) (d) The board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961.

450.19 (2) The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs.

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

50 hours

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

Pharmacists

Licensees who are authorized to prescribe and dispense controlled substances: Physicians (including those holding temporary licenses and residents), advanced practice nurse prescribers, anesthesiologist assistants, physician assistants, dentists, podiatrist and pharmacies.

Department of Safety and Professional Services PDMP staff

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):

Minimal or no economic impact. It is not likely to have a significant economic impact on small businesses.

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