



2017 ASSEMBLY BILL 182

March 28, 2017 - Introduced by Representatives WICHGERS, SANFELIPPO, KOLSTE, HORLACHER, JACQUE, MURSAU, SKOWRONSKI, NOVAK, MURPHY, BRANDTJEN, SPIROS, THIESFELDT, ALLEN, KUGLITSCH, KREMER, DOYLE, R. BROOKS, SINICKI, E. BROOKS, SUBECK, TUSLER, TITTL, JAGLER, KNODL and BERNIER, cosponsored by Senators CRAIG, LASEE, MOULTON, MARKLEIN, WANGGAARD, NASS, KAPENGA, BEWLEY, HANSEN, STROEBEL and RINGHAND. Referred to Committee on Health.

1 **AN ACT to repeal** 450.09 (3), 450.09 (5) and 450.09 (8) (b); **to renumber and**
2 **amend** 450.09 (8) (a); **to amend** 450.11 (1); and **to create** 450.11 (1a) of the
3 statutes; **relating to:** various changes to the pharmacy practice law and
4 modifying rules promulgated by the Pharmacy Examining Board.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the pharmacy practice law and to administrative rules promulgated by the Pharmacy Examining Board, described as follows:

1. The bill repeals a requirement that a license issued by the board be displayed in the place of practice.

2. The bill provides that a prescription order entered on the chart or medical record of an inpatient or resident of a health care facility is not required to include the address of the practitioner, which is otherwise required for other prescription orders.

3. The bill modifies the definition of "long term care facility" in the rules promulgated by the board to conform it to a definition used in similar regulations adopted by the federal Drug Enforcement Administration. The definition is used in various provisions in the rules relating to prescriptions for controlled substances.

4. The bill repeals a requirement that every pharmacy be equipped with proper pharmaceutical utensils for compounding and dispensing prescriptions and a requirement that the board prescribe, by rule, minimum standards of professional

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and technical equipment. The bill also repeals the rules promulgated by the board relating to minimum equipment for pharmacies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 450.09 (3) of the statutes is repealed.

2 **SECTION 2.** 450.09 (5) of the statutes is repealed.

3 **SECTION 3.** 450.09 (8) (a) of the statutes is renumbered 450.09 (8) and amended
4 to read:

5 450.09 (8) PENALTIES. ~~Except as provided under par. (b), any~~ Any person who
6 violates this section may be assessed a forfeiture of not less than \$25 nor more than
7 \$50 for each separate offense. Each day of violation constitutes a separate offense.

8 **SECTION 4.** 450.09 (8) (b) of the statutes is repealed.

9 **SECTION 5.** 450.11 (1) of the statutes is amended to read:

10 450.11 (1) DISPENSING. Except as provided in sub. (1i) (b) 2., no person may
11 dispense any prescribed drug or device except upon the prescription order of a
12 practitioner. All prescription orders shall, except as provided in sub. (1a), specify the
13 date of issue, the name and address of the practitioner, the name and quantity of the
14 drug product or device prescribed, directions for the use of the drug product or device,
15 the symptom or purpose for which the drug is being prescribed if required under sub.
16 (4) (a) 8., and, if the order is written by the practitioner, the signature of the
17 practitioner. Except as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1.,
18 448.035 (2), and 448.037 (2) (a) 1. and except for standing orders issued under s.
19 441.18 (2) (a) 2. or 448.037 (2) (a) 2., all prescription orders shall also specify the name
20 and address of the patient. A prescription order issued under s. 118.2925 (3) shall
21 specify the name and address of the school. A prescription order issued under s.

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1 255.07 (2) shall specify the name and address of the authorized entity. Any oral
2 prescription order shall be immediately reduced to writing by the pharmacist and
3 filed according to sub. (2).

4 **SECTION 6.** 450.11 (1a) of the statutes is created to read:

5 450.11 (1a) CHART ORDERS. A prescription order entered on the chart or medical
6 record of an inpatient or resident of a health care facility by a practitioner is not
7 required to include the address of the practitioner.

8 **SECTION 7.** Phar 1.02 (4m) of the administrative code is amended to read:

9 Phar 1.02 (4m) "Long term care facility" ~~means a facility for the~~
10 ~~developmentally disabled or other nursing home~~ has the meaning given in 21 CFR
11 1300.01.

12 **SECTION 8.** Phar 6.06 (title) of the administrative code is repealed and
13 recreated to read:

14 **Phar 6.06 (title) Laws and other references.**

15 **SECTION 9.** Phar 6.06 (1) (intro.) of the administrative code is renumbered Phar
16 6.06 (intro.) and amended to read:

17 **Phar 6.06 (intro.)** The professional service area of a pharmacy shall have
18 equipment of appropriate design and size for the intended pharmacy practice
19 ~~consisting of at least~~ and shall have all of the following equipment:

20 **SECTION 10.** Phar 6.06 (1) (a) of the administrative code is repealed.

21 **SECTION 11.** Phar 6.06 (1) (b) of the administrative code is repealed.

22 **SECTION 12.** Phar 6.06 (1) (c) of the administrative code is repealed.

23 **SECTION 13.** Phar 6.06 (1) (d) of the administrative code is repealed.

24 **SECTION 14.** Phar 6.06 (1) (e) of the administrative code is repealed.

25 **SECTION 15.** Phar 6.06 (1) (f) of the administrative code is repealed.

