

03-005

8

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

---

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD  
PHARMACY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 03-005)

---

TO: Alan J. Lasee  
President of the Senate  
Room 219 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the PHARMACY EXAMINING BOARD is submitting in final draft form rules relating to admission requirements for all required professional examinations.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD**

---

**IN THE MATTER OF RULE-MAKING :       REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE        :       ON CLEARINGHOUSE RULE 03-005  
PHARMACY EXAMINING BOARD     :       (s. 227.19 (3), Stats.)**

---

**I.       THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II.      REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III.     FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV.     STATEMENT EXPLAINING NEED:**

The objective of this amendment is to make admission requirements for all required professional examinations consistent to simplify and streamline the application process. Section Phar 2.03 (4) currently permits an applicant to be admitted to the practical examination only after completion of the applicant's internship in the practice of pharmacy. Admission to the NAPLEX and multi-state pharmacy jurisprudence examination is permitted if the applicant has obtained certification by the Foreign Pharmacy Graduate Examination Committee and being within 360 credit hours of completing an internship in the practice of pharmacy or 60 days before graduation from a school or college of pharmacy approved by the board. The different requirement for admission to the practical examination potentially penalize applicants who are otherwise professionally prepared to take the practical examination under the same requirements for the other two required professional examinations. This amendment makes the requirements for the practical examination the same as the requirements for the NAPLEX and the multi-state pharmacy jurisprudence examination.

**V.      NOTICE OF PUBLIC HEARING:**

A public hearing was held on February 12, 2003. There were no appearances at the public hearing nor were any written comments received.

**VI.     RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\phm35leg.doc  
3/5/03

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

---

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD  
PHARMACY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 03-005)

---

PROPOSED ORDER

An order of the Pharmacy Examining Board to amend Phar 2.03 (4) relating to admission requirements for all required professional examinations.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 450.02 (3) (d), Stats.

Statutes interpreted: ss. 450.03 (2) and 450.04 (3), Stats.

The objective of this amendment is to make admission requirements for all required professional examinations consistent to simplify and streamline the application process. Section Phar 2.03 (4) currently permits an applicant to be admitted to the practical examination only after completion of the applicant's internship in the practice of pharmacy. Admission to the NAPLEX and multi-state pharmacy jurisprudence examination is permitted if the applicant has obtained certification by the Foreign Pharmacy Graduate Examination Committee and being within 360 credit hours of completing an internship in the practice of pharmacy or 60 days before graduation from a school or college of pharmacy approved by the board. The different requirement for admission to the practical examination potentially penalize applicants who are otherwise professionally prepared to take the practical examination under the same requirements for the other two required professional examinations. This amendment makes the requirements for the practical examination the same as the requirements for the NAPLEX and the multi-state pharmacy jurisprudence examination.

---

TEXT OF RULE

SECTION 1. Phar 2.03 (4) is amended to read:

Phar 2.03 (4) An applicant for licensure as a pharmacist shall not be eligible to be admitted to the practical examination, NAPLEX or the multi-state pharmacy jurisprudence examination prior to obtaining certification by the foreign pharmacy graduate examination committee and being either within 360 credit hours of completing an internship in the practice of pharmacy or 60 days before graduation from a school or

college of pharmacy approved by the board. ~~An applicant may not be admitted to the practical examination before the test date which immediately follows completion of the applicant's internship in the practice of pharmacy.~~

-----  
(END OF TEXT OF RULE)  
-----

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Wis. Stats.

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Chairperson  
Pharmacy Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.

g:\rules\pkm35leg.doc  
3/5/03



LGRC  
FORM 2

---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### 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 03-005

AN ORDER to amend Phar 2.03 (4), relating to admission requirements for all required professional examinations.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

01-15-2003 RECEIVED BY LEGISLATIVE COUNCIL.

02-13-2003 REPORT SENT TO AGENCY.

RS:NZ

**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



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

Ronald Sklansky  
*Clearinghouse Director*

Richard Sweet  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 03-005

#### 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 October 2002.]**

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the analysis, it would be clearer if the requirements for each examination were cast in similar terms. ". . . currently prohibits the applicant from being admitted to the practical examination prior to the completion of . . ." could be changed to ". . . currently permits an applicant to be admitted to the practical examination only after the completion of . . ." Further, the analysis should have a concluding sentence explaining the amendment; something to the effect of: "This amendment makes the requirements for the practical examination the same as the requirements for the NAPLEX and the multi-state pharmacy jurisprudence examination."

b. In s. Phar 2.03 (4), the rule would read more clearly if ". . . and being within 360 credit . . ." were changed to ". . . and being either within 360 credit . . ."