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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-022

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 1994.]

1. Statutory Authority

SECTION 3 of the rule requires that an applicant for licensure by reciprocity successfully complete the patient consultation portion of the examination required for candidates for an original pharmacy license. Section 450.05, Stats., provides that if the examining board requires an equivalency examination under reciprocity provisions, “any person licensed as a pharmacist in another state who is engaged in the active practice of pharmacy may only be required to pass an examination on state and federal laws, rules and regulations.”

2. Form, Style and Placement in Administrative Code

The title to s. Phar 3.04 should not be shown. [See s. 1.05 (3) (d), Manual.]

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

a. The department’s analysis indicates that the foreign pharmacy graduate equivalency examination will be taken by students who have been graduated by a foreign school of pharmacy. Under the rule, however, no graduation requirements are stated for students who take the foreign pharmacy graduate equivalency examination. Furthermore, there is nothing in the rule to prohibit a person who has failed to graduate from a school or college of pharmacy in the United States to take the foreign pharmacy graduate equivalency examination and, under the rule, comply with education requirements for a pharmacy license. Is that possible or is graduation from a foreign school or college of pharmacy necessary in order to take the foreign equivalency examination?

b. The amendment to s. Phar 7.01 (1) (e) indicates that the consultation requirement “is not satisfied by only offering to provide consultation.” The department’s analysis explains that the pharmacist is required to at least attempt to provide or solicit relevant patient information upon each occasion of dispensing medication. Consideration should be given to expanding the substance of the rule to place in the rule the explanation contained in the analysis. Also, can a more descriptive citation be substituted for “except as provided above”? [See s. 1.01 (9) (c), Manual.]

c. It is suggested that s. Phar 8.05 (7) be redrafted along the following lines:

Except as provided in this subsection, a prescription order for a controlled substance may not be dispensed unless the prescription order contains all of the information required in sub. (1). A pharmacist may supply any information missing from a prescription order for a schedule III, IV or V controlled substance that is verifiable and retrievable from information maintained by the pharmacist or that is obtained through consultation with a practitioner, with the exception of the practitioner’s signature. A pharmacist may supply the address of the patient and the registration number of the practitioner missing from a prescription order for a schedule II controlled substance if that information is verifiable and retrievable from information maintained by the pharmacist or is obtained through consultation with the practitioner.