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CLEARINGHOUSE RULE 98-016

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.]

2. Form, Style and Placement in Administrative Code

- a. In the second sentence of the last paragraph of the analysis, “The procedures have” should be changed to “The procedure has.”
- b. In s. Phar 1.01 (14), “, Wis. Adm. Code,” should be deleted.
- c. The Note following s. Phar 4.02 (5) appears to be substantive, as does the first part of the Note following s. Phar 7.04. They should be incorporated into the text of the rule.
- d. It appears that ss. Phar 4.045 (2) (d) and Phar 4.046 contain essentially the same information, that is, the procedure which should be followed by a person who claims that there is an error in an examination administered by the board. Section Phar 4.046 appears to provide a more thorough procedure to be followed; however, that section does not address claims of error regarding *procedures* followed in the examination, as does s. Phar 4.045 (2) (d). Should s. Phar 4.045 (2) (d) be deleted and s. Phar 4.046 be expanded to include claims of error regarding procedures followed in examinations administered by the board? In addition, in s. Phar 4.046 (1) (c), should “perceived” be replaced with “alleged”?
- e. In several provisions of the rule, “shall” should replace “must.” For example, see s. Phar 4.046 (1) (intro.).
- f. Section Phar 5.05 (2) (c) authorizes the board to prescribe the examinations or educational requirements, or both, which must be successfully completed by an applicant for

reinstatement of a license five years or more after the renewal date. Could these requirements be set forth in the rule? If these rules are not set forth in the rule, how will they be made available to the public?

g. Is it appropriate to place the requirement that a pharmacy have a centrally monitored alarm system, as set forth in s. Phar 6.07 (4), in the section of the rule titled “Storage”?

h. In s. Phar 7.04 (2) (c), should “or other person” be added to the end of the sentence?

i. The acronym “ADP” in s. Phar 8.03 (3) should be defined or spelled out.

j. In s. Phar 8.12 (2) (intro.), readability would be enhanced if “either” were replaced with “any of the following conditions are met.” In pars. (a) and (b), a period should replace “; or,”.

k. In s. Phar 8.12 (2) (a), should “home infusion pharmacy” be replaced with “dispensing pharmacy”?

l. The common terminology used when referring to a definition set forth in the statutes is the phrase “has the meaning given in.” The definitions in ss. Phar 1.02 (8) and 10.02 could be rewritten to conform to this common terminology.

m. In s. Phar 10.03 (7m), should “dispensed by the pharmacist” be inserted after “device”?

n. In s. Phar 12.03 (5), “the license” should be replaced with “the application for a license.”

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

a. What is a “subject matter expert” referred to in ss. Phar 4.03 (3), Phar 4.045 (2) (d) and Phar 4.046 (2)?

b. The last sentence in s. Phar 4.035 appears to be missing a phrase. Perhaps “or requiring the applicant” should be inserted after “applicant.”

c. It appears that s. Phar 4.045 (1) should be clarified to specify that the review which may be requested is a review conducted by the applicant, rather than by the board. In addition, should that section specify what may be reviewed? For example, is the applicant permitted to review his or her examination answers or only the questions?

d. It is unclear to what “request” in the second sentence of s. Phar 4.045 (2) (d) refers.

e. If it is found under s. Phar 4.046 that there is an error in an examination which has been administered by the board, should the board be required to take any action, such as reviewing the examination scores of all persons who took that examination to determine if the error in the examination would, if corrected, result in the passing of the examination by an applicant who was considered to have failed?

f. Should s. Phar 5.01 (2) specify that a person who is practicing under an original license is not required to have a current renewal certificate?

g. Is the address referred to in s. Phar 5.02 (2) the home or business address of the pharmacist?