



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-075

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 September 1998.]

2. Form, Style and Placement in Administrative Code

Section Phar 7.12 (1) and (2) should be consolidated into one subsection as follows:

Phar 7.12 (1) In this section: (a) “Central fill pharmacy” means . . .

(b) “Originating pharmacy” means . . .

If this change is made, sub. (3) should be renumbered as sub. (2).

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section Phar 7.12 (3) (e) makes reference to various processing functions that a central fill pharmacy may not perform in certain situations. This appears to refer to functions required by other rule provisions or statutes. An appropriate cross-reference to the existing rules or statutes for these functions should be provided to clarify the term “processing functions.”

b. Section Phar 7.12 (3) (f), (g) and (h) all refer to various record keeping requirements under state and federal law. A cross-reference should be provided in these paragraphs to the appropriate record keeping requirements of state and federal law that are being referred to.

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

a. In s. Phar 7.12 (3) (a), the use of the word “accountabilities” is unclear. The American Heritage Dictionary defines the word “accountable” to mean “answerable or capable of being explained.”

b. In s. Phar 7.12 (3) (c), it appears that the word “and” after the reference to ch. Phar 7 should be deleted or that the reference “ch. Phar 7” should be replaced by the phrase “this chapter and ch. Par 8.” [See also the cross-reference in sub. (3) (b).] In addition, the reference to ch. Phar 7, if it is the sole reference, should be changed to “this chapter.”

c. It appears that the first phrase of s. Phar 7.12 (3) (d) is redundant. Because the remainder of the provision provides that an originating pharmacy shall remain solely responsible for certain functions, the phrase “the central fill pharmacy shall not assume and” can be deleted. If it is necessary to retain this phrase in the rule, it should be added as a second sentence which provides, essentially, that the functions for which the originating pharmacy must remain solely responsible may not be delegated to the central fill pharmacy.

d. In s. Phar 7.12 (3) (e), a comma should be inserted after the second occurrence of the word “pharmacy” and the comma after the word “as” should be deleted.

e. In s. Phar 7.12 (3) (h), the central fill pharmacy and originating pharmacy are required to maintain “duplicate records.” Does this mean that each record that the pharmacies keep must be maintained in duplicate or must each pharmacy maintain copies of certain records of the other pharmacy? The rule should be clarified.