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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 16-018

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### 2. Form, Style and Placement in Administrative Code

a. In s. Phar 8.13 (1), a more direct distinction should be made between the statutory definition and the additional meaning added under the proposed rule, with a clear statement for the extent of its applicability. For example, the subsection could be phrased as follows: “In s. 450.11 (1b) (e) 3., Stats., a ‘health care facility’ has the meaning given in s. 450.01 (1b) (a), Stats., and also means a hospice facility as defined in s. 50.90 (1) (c), Stats.”. Then, if desired, the definition under s. 450.01 (1b) (a), Stats., could be provided in a Note to the subsection.

b. In s. Phar 8.13 (2), the Board should consider moving the five-year record-keeping requirement to s. Phar 8.02. There is no relationship between subs. (1) and (2) in proposed s. Phar 8.13, and it is not necessary to repeat the entire statutory provision. For example, the rule could instead create s. Phar 8.02 (2m), to provide that:

Records required under s. 450.11 (1b) (bm) shall be maintained for at least 5 years from the date the drug was dispensed, or, for a record that is subject to s. 961.385, Stats., until the name of a person to whom a drug is dispensed is delivered to the controlled substances board under s. 961.385, Stats., whichever is sooner.

c. If s. Phar 8.13 (2) is moved to s. Phar 8.02, then s. Phar 8.13 (1) should be numbered as s. Phar 8.13. Also, consider revising the title of the section to “Identification card exception for a health care facility.”.

d. In SECTION 2 of the proposed rule, the full name of the publication, “Wisconsin Administrative Register,” should be capitalized. [s. 1.02 (4) (Example), Manual.]

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

If the language in s. Phar 8.13 (2) is maintained, the citation to “450.11 (1) (3) 2., Stats” should be corrected to “s. 450.11 (1b) (e) 2., Stats.”. Also, the format of the citation should include an “s.” before the number and a period after “Stats”. [s. 1.07 (2) (Table), Manual.]

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

In the rule summary, a more descriptive narrative could be given in the explanation of agency authority and plain language analysis to explain the interaction of the proposed rule with the statutory identification card requirements, and the statutory exception for a drug that is delivered to a health care facility.