



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-054

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

In the rule summary’s listing of statutory authority, the board should consider including a citation to s. 450.02 (5), Stats. That section specifically authorizes rulemaking to govern pharmacies that are operated as remote dispensing sites.

2. Form, Style and Placement in Administrative Code

a. In the rule caption’s enumeration of treated provisions, group the provisions in the following order: to repeal, to amend, and to create. [s. 1.01 (1) (b), Manual.]

b. In s. Phar 6.025 (2), the abbreviation “s.” should be inserted before the reference to “Phar 7.43”.

c. In the treatment clause for SECTION 8 of the proposed rule, the designation “(intro.)” should be inserted after “(7)”. Also, the affected subunits for sub. (6) should be shown as “(6) (title), (a) (intro.) and 5., and (b)”. The listings should also be corrected in the rule caption’s enumeration of treated provisions.

d. In s. Phar 8.01 (5), the abbreviation “stats.” should be revised to the capitalized “Stats.”.

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

In s. Phar 6.025 (intro.), a cross-reference should be added to identify the applicable “rules that apply only to remote dispensing sites”.

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

a. The rule summary’s plain language should be revised to describe what changes are made in response to 2021 Wisconsin Act 101. The plain language analysis could provide more detail on the content of the rule, what changes are made to reflect the statutory text, and the overall effect on the administration and oversight of remote pharmacy dispensing.

b. In s. Phar 1.02 (10m), the phrase “pharmacy examining board” should be revised to “board”, in order to use the term defined in s. Phar 1.02 (1).

c. In s. Phar 6.025 (intro.), consider revising the introductory statements to use the active voice. [s. 1.05 (1) (d), Manual.] Also, consider revising the first sentence of the introduction; is it intended that any time a pharmacist remotely supervises a location, that is a sufficient condition to apply the specific rules for remote dispensing?

d. In s. Phar 6.025 (1) and (4), each instance of the words “Licensee” and “Board” should not be capitalized. [s. 1.06 (2), Manual.] Also, in sub. (4), the phrase “shall not” should be revised to “may not”. [s. 1.08 (1) (b), Manual.]

e. In s. Phar 7.43 (2), the comma after “s. 450.03 (1) (f)” should be shown with a strike-through. Also, the final period in the current text should be shown.

f. In s. Phar 7.43 (7) (intro.), the comma after “s. 450.03 (1) (f)” should be shown with a strike-through and the word “or” should be inserted with underscoring.