

Clearinghouse Rule 06-050

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 06-)

PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 17.04 (3) and (5); to amend Phar 17.04 (2) and (4) and 17.05 (2); and to create Phar 2.02 (1) (c) relating to a foreign graduate internship.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 450.04 (3) (b), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 450.04 (3) (b), Stats.

Explanation of agency authority:

The Wisconsin Pharmacy Examining Board is granted the authority to protect the public health, safety and welfare by establishing minimum standards for the practice of pharmacy, which includes the granting of licenses to applicants for licensure as a pharmacist who have completed an internship in the practice of pharmacy.

Related statute or rule:

Current Wis. Admin. Code ss. Phar 2.02, 17.04.

Plain language analysis:

The Pharmacy Examining Board requires foreign pharmacy graduates to submit proof of completion of at least 1500 hours of supervised internship prior to advancing in the application process toward the granting of a pharmacy license. The hours must be verified by the department. Wisconsin pharmacy rules require a graduate of a foreign pharmacy school to apply for a license as a pharmacist prior to beginning the required

internship. Foreign Pharmacy Graduate Education Committee (FPGEC) certification, including passage of the examination, is not currently required unless the applicant exceeds 2000 internship hours. The current foreign graduate internship rules could be improved to ensure hours are adequately tracked by interns and supervisors and filed timely and accurately with the department. The rules do not require that a supervisor be identified prior to beginning an internship, resulting in incomplete reporting and difficulty in tracking internship hours.

The two primary objectives of this proposed rule-making are to: 1) require passage of the FPGEC prior to accumulation of any internship hours; and 2) improve procedures concerning the reporting of internship hours by foreign pharmacy graduate applicants and their supervisors.

The proposed rules would require completion of the examination offered by the FPGEC and submission of a report to the department identifying the intern's supervisor prior to the start of a foreign graduate internship.

SECTION 1 adds the application requirement that a person intending to engage in a foreign graduate internship must submit evidence satisfactory to the board of having obtained certification by the FPGEC and the disclosure of the person's supervising pharmacist. Any change of a supervising pharmacist must also be disclosed to the board by filing an amendment to the application. SECTION 1 also adds the requirement that prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship a person must file an application with the board for original licensure and submit evidence satisfactory to the board of having obtained certification by the FPGEC.

SECTION 2 adds the requirement that prior to performing duties as an intern or receiving credit for hours in an internship in the practice of pharmacy a supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern.

SECTION 3 repeals a provision allowing 2000 hours of practice as a pharmacy intern prior to receiving certification by the FPGEC.

SECTION 4 reduces the number of hours that may be practiced in a foreign graduate internship.

SECTION 5 repeals a grandfather provision that is no longer applicable.

SECTION 6 removes a typographical error.

Summary of, and comparison with, existing or proposed federal regulation:

There is no existing or proposed federal regulation for summary and comparison.

Comparison with rules in adjacent states:

Iowa

Requires 1500 hours of internship. Foreign Pharmacy Graduate Examination Committee (FPGEC) certification required prior to internship credit being granted.

Illinois

Requires a minimum of 400 hours of internship. The applicant must obtain prior approval of the Board before enrolling in a course of clinical instruction.

Michigan

Requires a minimum of 1000 hours of internship and Foreign Pharmacy Graduate Examination Committee (FPGEC) certification required prior to internship license being granted, which is valid for a period of two years.

Minnesota

Requires 1600 hours of internship, after FPGEC certification.

Summary of factual data and analytical methodologies:

There are currently 47 foreign graduate applications in process going back to 2002. None of these applications have been completed for licensure or closed. It is unknown whether these individuals are practicing in Wisconsin as pharmacy interns.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

This rule change would not impact a substantial number of small businesses. The requirement for FPGEC passage prior to accumulation of hours may have a slight effect on small businesses employing, or wishing to hire, a foreign graduate intern. According to Department of Regulation and Licensing application files, 6 of the 18 foreign pharmacy graduate interns that have identified their place of employment list a smaller pharmacy. Some are in all likelihood linked with a larger pharmacy. There are 1,222 active, in-state pharmacies in Wisconsin, roughly 350 of which are estimated to be small businesses without a large pharmacy nexus. The FPGEC examination is only offered two times per year, so there may be slightly more of a delay in hiring, or in some cases, an inability to hire because of examination failure. The reduction in the number of total hours that may be worked by an intern from 3,000 to 2,000 may result in earlier termination of employment for interns who have not completed FPGEC. Employing a licensed pharmacist, if available, would increase salary costs. The statewide average wage for a pharmacist is \$33.95 per hour, according to the Department of Workforce Development. Two Milwaukee area retail pharmacies offer \$17 and \$20 to interns,

without benefits except for a small amount of vacation offered by one. There are no additional bookkeeping requirements and no new form requirements, although the department will have to revise its existing internship application form.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Division of Professional Credentialing. The total staff salary and fringe is estimated at \$115.

Effect on small business:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before July 3, 2006 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Phar 2.02 (1) (c) is created to read:

Phar 2.02 (1) (c) For a person intending to engage in a foreign graduate internship under s. Phar 17.04, evidence satisfactory to the board of having obtained certification by the foreign pharmacy graduate examination committee and the disclosure

of the person's supervising pharmacist. Any change of a supervising pharmacist shall be disclosed to the board by filing an amendment to the application prior to further performing duties constituting the practice of pharmacy as a foreign graduate intern.

SECTION 2. Phar 17.04 (1) and (2) are amended to read:

Phar 17.04 (1) Prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship the person must file an application with the board for original licensure under s. Phar 2.02, and submit evidence satisfactory to the board of having obtained certification by the foreign pharmacy graduate examination committee.

(2) A foreign graduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising pharmacist. The written record shall be produced to the board upon request. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern.

SECTION 3. Phar 17.04 (3) is repealed.

SECTION 4. Phar 17.04 (4) is amended to read:

Phar 17.04 (4) Upon completing a maximum of ~~3000~~ 2000 hours of the practice of pharmacy in a foreign graduate internship, the internship is terminated and the person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

SECTION 5. Phar 17.04 (5) is repealed.

SECTION 6 Phar 17.05 (2) is amended to read:

Phar 17.05 (2) A postgraduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising ~~therapist~~ pharmacist. The written record shall be produced to the board upon request.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Pharmacy Examining Board

Phar 17.04, 17.05 CR06- (Internship) Draft to CH 5-12-06