

Report From Agency

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 06-052
PHARMACY EXAMINING BOARD : (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The department estimates that this rule will require staff time in the Division of Management Services. The total staff salary and fringe is estimated at \$872. The department finds that this rule has no significant fiscal effect on the private sector.

IV. STATEMENT EXPLAINING NEED:

The rules currently require pharmacies, practitioners and other federal drug enforcement administration (DEA) registrants authorized to possess controlled substances to notify the regional office of the DEA, the local police, and the board of any theft or any loss upon discovery. The DEA requires any theft to be reported but not any loss. Only significant losses must be reported to the DEA. The intent of this proposed rule change is to conform the state controlled substances theft and loss reporting requirement for pharmacies, practitioners or other DEA registrants to federal law. The proposed rule change will eliminate the reporting of drug losses, not based on theft, by pharmacies, practitioners or other DEA registrants if the losses are not considered significant under federal law.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on June 22, 2006. There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendation suggested in the Clearinghouse Report was accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Phar 8.02 CR06-052 (Theft and loss reporting) Report to Leg 7-20-06