

Clearinghouse Rule 18-025

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES

The Pharmacy Examining Board is petitioning the Joint Committee for Review of Administrative Rules to repeal a rule the Pharmacy Examining Board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 5.03 relating to a requirement that a pharmacist display his or her license at the pharmacy.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 450.09 (5), Stats.

Statutory authority: ss. 15.08 (5) (b), 450.02 (2), (3) (d) and (3), Stats.

Explanation of agency authority:

The Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. [15.08 (5) (b), Stats.]

The board shall adopt rules defining the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05. [450.02 (2), Stats.]

450.02 (3) (d) The Board may promulgate rules necessary for the administration and enforcement of this chapter and ch. 961. The Board may promulgate rules establishing minimum standards for the practice of pharmacy. [450.02 (3) (d) and (e), Stats.]

Related statute or rule: n/a

Plain language analysis:

Phar 5.03 requires a pharmacist to display his or her license in a manner conspicuous to the public view at the pharmacy where he or she engages in the practice of pharmacy.

2017 Act 18 repealed s. 450.09 (5), Stats. which required every original license issued by the board and the renewal license currently in force, if any, to be displayed in the place of practice.

Therefore, the board has determined that Phar 5.03 is an unauthorized rule and seeks its repeal under s. 227.26 (4).

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Phar 5.03 is repealed.

SECTION 2. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
