

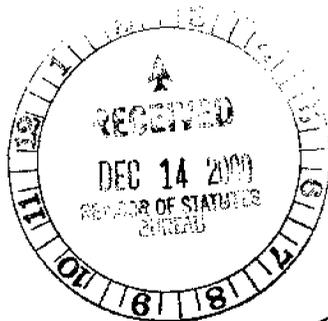
CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Pharmacy Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Pharmacy Examining Board on the 12th day of December, 2000.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

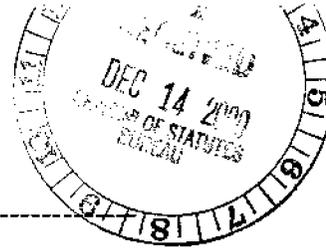


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 12th day of December, 2000.

Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing

00-107

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-107)

ORDER

An order of the Pharmacy Examining Board to repeal Phar 8.05 (6); and to amend Phar 8.05 (1) and (7), relating to the dispensing of controlled substances.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 450.02 (3) (a), (d) and (e), and 961.31, Stats.

Statutes interpreted: ss. 450.02 (3) (a), (d) and (e), and 961.31, Stats.

The objective of amending s. Phar 8.05 (1) and (7), and repealing s. Phar 8.05 (6), is to conform with the federal controlled substances prescription rules codified at 21 CFR 1306.05. The amended rules will allow the pharmacist, after consultation with the prescriber or the patient, to add, modify or clarify certain required elements necessary for a valid controlled substances prescription order which are: the strength, dosage form, quantity prescribed, date of issuance and directions for use. The rule would also modify the terminology for the -elements to correspond with their federal rule counterparts.

SECTION 1 amends the provision to define the required elements for a valid prescription order for a controlled substance to correspond with the federal rule counterparts.

SECTION 2 repeals a provision that is no longer required specifying that prescription orders for all controlled substances shall specify dose and frequency of usage per day.

SECTION 3 amends a provision to delineate the required elements that may be supplied to a prescription order for controlled substances and the permitted means of obtaining the information required for those elements, directions for use, name and address and registration number of the practitioner and address of the patient.

TEXT OF RULE

SECTION 1. Phar 8.05 (1) is amended to read:

Phar 8.05 (1) All controlled substance prescription orders shall be dated as of, and signed on, the day issued and shall contain the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner, the name and quantity of the drug prescribed, and the directions for use. Prescription orders shall be written with ink or indelible pencil or be typewritten and shall be signed by the practitioner. Orders for controlled substances may be issued only by individual practitioners who are authorized to prescribe controlled substances by the jurisdiction in which he or she is licensed to practice and registered or exempt from registration under the federal controlled substances act.

SECTION 2. Phar 8.05 (6) is repealed.

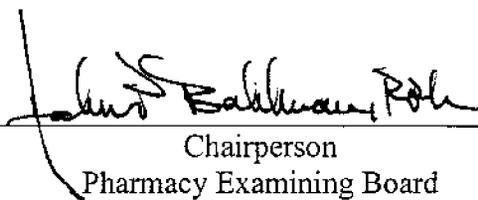
SECTION 3. Phar 8.05 (7) is amended to read:

Phar 8.05 (7) ~~Except as provided in this subsection, a~~ A prescription order for a controlled substance may not be dispensed unless the prescription order contains all of the information required in sub. (1). ~~A~~ For any controlled substance prescription order, a pharmacist may not add, modify or clarify the patient's name, the controlled substance prescribed, except for generic substitution as permitted by law, and the prescribing practitioner's signature. After consultation with the prescribing practitioner, a pharmacist may supply any information missing from a prescription order add, modify or clarify the strength, dosage form, quantity prescribed, date of issuance and directions for use for a schedule III, IV or V II controlled substance that is verifiable and retrievable from information maintained by the pharmacist or that is obtained through consultation with a practitioner, with the exception of the practitioner's signature prescription order. ~~A~~ For a schedule II controlled substance prescription order, a pharmacist may supply the address of the patient and the registration number of the practitioner missing from a prescription order for a schedule II controlled substance add, modify or clarify the registration number of the practitioner, and the address of the practitioner and the patient if that information is verifiable and retrievable from information maintained by the pharmacist or is obtained through consultation with the practitioner. A pharmacist may add, modify or clarify any information allowed in this subsection missing from a prescription order for a schedule III, IV or V controlled substance that is verifiable and retrievable from information maintained by the pharmacist or that is obtained through consultation with a practitioner. A patient may only provide information to a pharmacist to add, modify or clarify the patient's address. The prescription order shall be initialed and dated by the pharmacist and shall indicate the addition, modification or clarification of information and the manner by which the pharmacist obtained that information.

(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 12/12/00

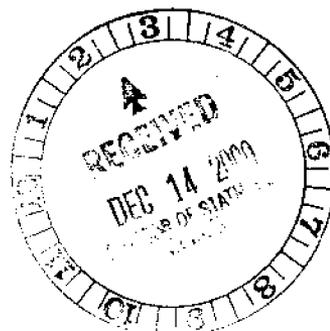
Agency 
Chairperson
Pharmacy Examining Board

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11/29/00



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: December 14, 2000
TO: Gary Poulson
Assistant Revisor of Statutes
FROM: Pamela A. Haack, Paralegal
Department of Regulation and Licensing
Office of Administrative Rules
SUBJECT: Final Order Adopting Rules



Agency: Pharmacy Examining Board

Clearinghouse Rule 00-107

Attached is a copy and a certified copy of a final order adopting rules relating to the dispensing of controlled substances.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.