

CR 82-222

CERTIFICATE

RECEIVED

AUG 18 1983

9:40 am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)

) SS

CONTROLLED SUBSTANCES BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, June L. Dahl, Chairperson and custodian of the official records of said board, do hereby certify that the annexed rule, relating to the repeal of Chapter CSB 1 Control of Methadone was duly approved and adopted by this Board on June 29, 1983.

I further certify that said copy has been compared by me with the original on file in this board 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 at the UW-Madison in the city of Madison, this 3rd day of August, A.D., 1983.

June L. Dahl

Ernie W. Wiers
Notary Public

My commission expires 6/1/86

ORDER OF THE CONTROLLED SUBSTANCES BOARD
REPEALING RULES

Relating to regulation of methadone for analgesia and for detoxification and maintenance treatment of narcotic addicts.

Analysis prepared by the Controlled Substances Board:

The Controlled Substances Board adopted CSB 1 Control of Methadone in 1973 to require prior authorization for hospital, community pharmacy, and methadone treatment program use of methadone for the following purposes, in conformity with federal law:

- (1) As an analgesic for severe pain other than the pain of narcotic withdrawal;
- (2) for detoxification of narcotic dependent individuals; and
- (3) for methadone treatment of narcotic dependent individuals.

The federal authority over (1), which narrowly limited distribution of methadone even though it was an FDA-approved drug, was vacated in American Pharmaceutical Association v. Weinberger in 1974 [377 F. Supp. 824 (D.D.C. 1974)] and affirmed sub. nom. in APhA v. Matthews in 1976 [530 F. 2d, 1054 (D.C. 1976)]. While the Board may in the future wish to exercise its authority to require a greater degree of restriction over certain controlled substances than does the federal government, the Board has no reason to continue to require prior authorization from community pharmacies and hospitals for methadone for analgesia, as presently required by CSB 1.

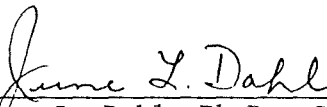
In addition, the designation of the Department of Health and Social Services as the State Methadone Authority under federal law, and the 1982 promulgation of HSS 61.65 Community Alcohol and Other Drug Abuse Programs - Methadone Treatment Standards, provides a satisfactory degree of state administrative regulation over methadone detoxification and maintenance programs. Under 61.65 the Controlled Substances Board continues to serve in an approval capacity with the Department, and the Department is responsible for enforcing the methadone program standards.

Thus, the Board concludes that no further need for CSB 1 exists and CSB 1 should be repealed.

Pursuant to the authority vested in the Controlled Substances Board by s. 161.11(2), Stats., the Controlled Substances Board hereby repeals rules interpreting s. 161.11(2), Stats., as follows:

Chapter CSB 1 of the Wisconsin administrative code is repealed.

The repeal contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register.



June L. Dahl, Ph.D., Chairperson
Controlled Substances Board

Dated: August 9, 1983



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

CONTROLLED SUBSTANCES BOARD
— 1 WEST WILSON STREET
P.O. BOX 7851
MADISON, WISCONSIN 53707
(608) 266-7586

August 16, 1983

RECEIVED

AUG 18 1983

Revisor of Statutes
Bureau

Gary Poulson
Office of the Revisor
411 West, State Capitol
Madison, WI 53702

Dear Gary:

The Controlled Substances Board is filing with the Revisor of Statutes for publication a copy of a rule which has been adopted to repeal rules relating to control of methadone.

Please call me if there are any questions.

Sincerely,

David E. Joranson
Drug Abuse Specialist
Staff, Controlled Substances Board
Office of Alcohol and Other Drug Abuse

DEJjml

Enc