

CR 84-134

CERTIFICATE

RECEIVED
OCT 10 1984
4:00 pm
Revisor of Statutes
Bureau

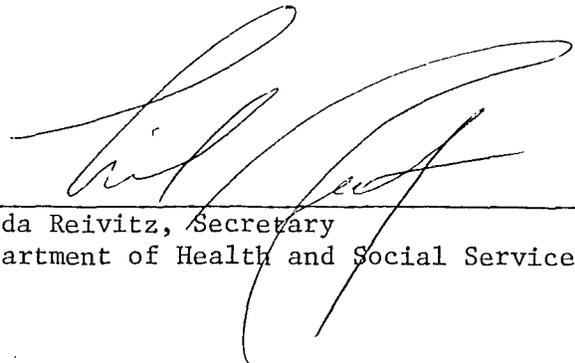
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed repeal of rules relating to the Wisconsin Drug Formulary was duly approved and adopted by this Department on October 10, 1984.

I further certify that this copy has been compared by me with the original on file in this Department 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 Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 10th day of October A.D. 1984.



Linda Reivitz, Secretary
Department of Health and Social Services

SEAL:

12-1-84

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING RULES

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To repeal ch. HSS 127, relating to the Wisconsin Drug Formulary.

Analysis Prepared by the Department of Health and Social Services

A recent session law, 1983 Wisconsin Act 188, repealed s. 140.90, Stats., which had required the Department of Health and Social Services to prepare a prescription drug formulary listing commonly prescribed prescription drug products by brand name together with drug product equivalents ranked in the order of their wholesale cost. In October 1976 the Department published that list in rule form, and since then has updated it several times. The most recent edition listed 81 drugs by their generic names, the approved manufacturers of equivalent drug products, and the average cost by dosage of all equivalent drug products. Under s. 450.075(2), Stats., pharmacists were expected to offer consumers drug product equivalents listed in the formulary in substitution for higher-priced brand name products indicated on their prescriptions. That statute was amended by 1983 Wisconsin Act 188 to replace the Wisconsin Drug Formulary with the list of therapeutically equivalent drugs published by the U.S. Food and Drug Administration. This order, then, repeals the rules which constitute the Wisconsin Drug Formulary.

Since ch. HSS 127 is being repealed solely in response to repeal of the statute which directed the Department to prepare the formulary (HSS 127), no public hearing was held on repeal of these rules nor was a 30-day notice published that the Department intends to repeal the chapter without public hearing unless petitioned for a hearing. Section 227.02(1)(b), Stats., provides that neither a hearing nor a notice is required when the order changes a rule for the sole purpose of making it conform to a statute.

Pursuant to authority vested in the Department of Health and Social Services by ss. 140.90(2) (1981) and 227.014(2), Stats., the Department of Health and Social Services hereby repeals rules interpreting ss. 140.90 (1981) and 450.075 (1981), Stats., as follows:

SECTION 1. HSS 127 is repealed.

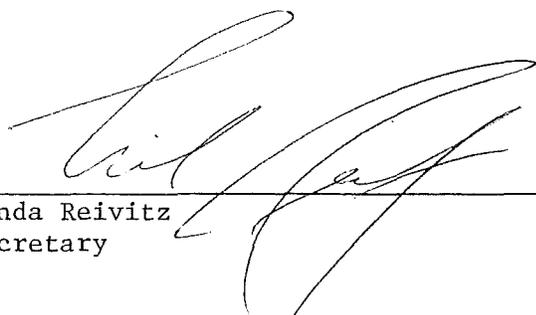
The repeal of rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.026(1), Stats.

Department of Health and
Social Services

Dated: October 10, 1984

By: _____

Linda Reivitz
Secretary

A handwritten signature in cursive script, appearing to read "Linda Reivitz", written over a horizontal line.

SEAL:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

October 10, 1984

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

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**Revisor of Statutes
Bureau**

Linda Reivitz
Secretary

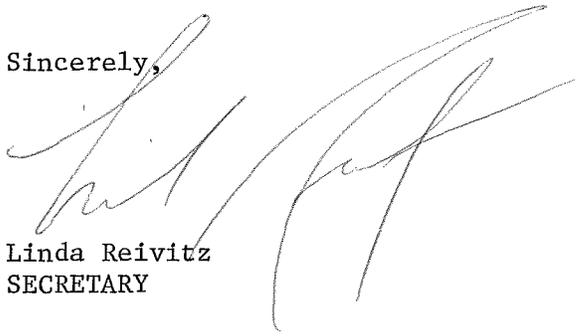
Mailing Address:
Post Office Box 7850
Madison, WI 53707

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of an order to repeal HSS 127, administrative rules relating to the Wisconsin Drug Formulary.

This order is also being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,


Linda Reivitz
SECRETARY

Enclosure