

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Pharmacy Examining Board to repeal Phar 7.01 (3) relating to pharmacist to delegate ratios.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

**Statutes interpreted:** s. 450.11, Stats.

**Statutory authority:** ss. 450.02 (2) and (3)(a), (d) and (e), Stats.

**Explanation of agency authority:**

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

The board may promulgate rules:

(a) Relating to the manufacture of drugs and the distribution and dispensing of prescription drugs.

(d) Necessary for the administration and enforcement of this chapter and ch. 961.

(e) Establishing minimum standards for the practice of pharmacy.

[ss. 450.02 (3) (a), (d) and (e), Stats.]

**Related statute or rule:** ch. Phar 7

**Plain language analysis:**

Under current pharmacy rules, there is a one pharmacist to four delegate ratio for staffing pharmacies. Wisconsin does not credential technicians although a delegate is often referred to as a technician. This rule repeals the requirement establishing a pharmacist to technician or intern ratio.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not have rules regarding pharmacist to technician ratio.

**Iowa:** Iowa does not have rules regarding pharmacist to technician ratio.

**Michigan:** Michigan does not have rules regarding pharmacist to technician ratio.

**Minnesota:** Minnesota has a ratio of one pharmacist to two technicians except the ratio is one pharmacist to three technicians when the technicians are doing the following: intravenous admixture preparation; setting up or preparing patient specific in unit dose or modified unit dose packaging; prepacking; or compounding.

**Summary of factual data and analytical methodologies:**

The Pharmacy Examining Board began a pilot program for delegate ratios on October 1, 2016. The purpose was to study the supervision and staffing of delegates in order to determine if a minimum ratio is necessary to ensure safety, quality and efficiency of the pharmacy and allow the availability of a pharmacist to be involved in other patient care activities. The Pharmacy Examining Board determined that a rule establishing a ratio was not necessary.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on April 12, 2019 to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. Phar 7.01 (3) 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)

---