

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 4

Relating to: Mail Delivered Prescriptions

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to review the requirements in CSB 4.04 to determine whether an exemption created by the Pharmacy Examining Board under s. Phar 8.06 (2) should be adopted to avoid discrepancies between code provisions. This exemption would allow for a valid signature to be recorded in lieu of an Identification Card for mail delivered controlled substances. The name from the valid signature is what will then be entered into the Prescription Drug Monitoring Program (PDMP) as part of that prescription record.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code Chapter CSB 4 currently outlines requirements for data that is entered into the PDMP for prescriptions. Section CSB 4.04 (2) (p) requires that the name from Wis. Stat. s. 450.11 (1b) (1m) to be entered into the PDMP. The Pharmacy Examining Board has created an exemption for that statutory requirement for when the prescription is delivered by mail. Without making changes under the proposed rule there will continue to be a discrepancy in what is allowed for mail delivered prescriptions versus what is required to be entered into the PDMP.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

961.385 (2) (a) states that the board shall establish by rule and have the prescription drug monitoring program “require a pharmacy or a practitioner to generate a record documenting each dispensing of a monitored prescription drug at the pharmacy, or if the monitored prescription drug is not dispensed at the pharmacy, by the practitioner and to submit the record to the board no later than 11:59 p.m. of the next business day after the monitored prescription drug is dispensed...”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule: 60 hours

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin Licensed Prescribers who report to the PDMP.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov