Chapter Phar 1

PHARMACY AND EQUIPMENT

Phar 1.01 Permit. (1) Before establishing a drug store, pharmacy, apothecary shop, or any similar place of business, a permit therefore, must first be obtained by making application to the board of pharmacy. Application for permit to establish a drug store should be on file at least 30 days prior to the opening date. The pharmacy shall not be open for business until the permit is issued.

(2) Such permit must be renewed annually on or before June 1st, and is not transferable. Any change in ownership—in whole or in part—in any store, whether individually owned or a partnership, requires a new permit.

(3) Such permit and renewal must be displayed in the front window or door of such pharmacy.

(4) At the time of application, renewal, or change, the following information must be submitted relative to all professional personnel (full or part-time employed): Names and weekly schedules of the following: Pharmacists, assistant pharmacists, apprentices (interns).

(5) No permit for the operation of a pharmacy shall be continued if the requirements for the registration thereof, existing at the time of said registration, are not being complied with at the time of the filing of the application for renewal of the permit.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57; cr. (5), Register, September, 1962, No. 81, eff. 10-1-62.

Phar 1.02 Pharmacist in charge and ownership. A pharmacist may be in charge of only one pharmacy, but he may own more than one such place of business.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.03 Other retail enterprises. It is the policy of the board to discourage establishment of a drug department as an adjunct of larger, unrelated business enterprises.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.04 Prescription department. (1) AREA OF PRESCRIPTION DEPARTMENT. The area devoted to the sale of drugs shall be equal to not less than 15% of the main floor area of the store, and in no instance shall it be less than 120 square feet.

(2) PRESCRIPTION COUNTER SPACE. There shall be a prescription counter on which to work and the free working surface shall not be less than 18 inches in width and not less than 12 square feet in area. This minimum free working surface must be kept clear at all times for the compounding of prescriptions, other pharmaceutical manufacturing and activities incident thereto.

(3) AISLE SPACE IN PRESCRIPTION DEPARTMENT. The free floor space behind the prescription counter shall be not less than 8 feet in length and 3 feet in width.

(4) PRESCRIPTION DEPARTMENT SANITARY FACILITIES. There shall be provided in the prescription department a sink easily accessible to the prescription counter and at a workable height which is equipped with running hot and cold water, soap or detergent and which is suitable for the cleaning of required pharmaceutical equipment. There shall also be provided a disposal container for wastes.

(5) NARCOTIC STORAGE. There shall be provided in the prescription department a secure facility for the storage of narcotics.

(6) PRESCRIPTION DEPARTMENT REFRIGERATOR. There shall be provided in the prescription department a refrigerator for the storage of biologicals and other drug items requiring refrigeration.

(7) STORAGE SPACE. There shall be provided in the prescription department sufficient shelf, drawer or cabinet space for the proper storage of a representative stock of prescription labels, an assorted stock of prescription containers, an adequate stock of prescription drugs and chemicals and the required equipment.

(8) There shall be provided in the prescription department the following:

(a) One prescription balance capable of weighing ¼ grain or less.

(b) One set of accurate Apothecary weights, ½ grain to two drams.

(c) One set of accurate Metric weights, 50 mg. to 20 gm.

(d) Graduates—measuring volumes up to at least 16 fluid ounces; and from 1 cc to at least 500 cc. consisting of at least two each measuring 2 drams, 1 ounce and 4 ounces; one each measuring 8 ounces and 16 ounces.

(Graduates are to be of clear transparent glass; those measuring volumes of 4 drams and less must be of the single scale-cylindrical type; those measuring volumes greater than 4 drams may be either cylindrical or conical).

(e) Mortars and Pestles—at least one glass 2 ounce and one glass 8 ounce.

(f) Spatulas—stainless steel, at least three assorted sizes; and one non-metallic (rubber or bone), medium size.

(g) Funnels—glass, one 2 ounce, one 8 ounce.

(h) Stirring Rods—glass, at least two.

(i) A prescription numbering machine (duplicating).

(j) Heating apparatus—tripod and bunsen burner or alcohol lamp; or, gas or electric plate.

(k) U. S. Pharmacopoeia (latest revision and supplements).

(l) National Formulary (latest revision and supplements).

(m) Exempt Narcotic, Poison and Hypodermic Syringe and Needle Registers.

(n) Latest revision of Federal and State Pharmacy Laws consisting of:

1. Federal Food Drug and Cosmetic Act.

2. General Regulations for the Enforcement of the Federal FDC Act.

3. Federal Narcotic Act, Regulations No. 5—Opium, Coca Leaves, Isonipicaine or Opiates.

4. Wisconsin Pharmacy Law (Chapter 151, Wis. Stats.).

5. Wisconsin Narcotic Law (Chapter 161, Wis. Stats.).

6. Wisconsin Administrative Code, Rules of the State Board of Pharmacy.

Note: (Federal laws and regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C.)

All weights and measures (e.g. balances, metric and apothecary weights, graduates) are subject to inspection by the Weights and Measures Section of the State Department of Agriculure or their designated representatives. Specifications, tolerances and regulations recommended by the National Bureau of Standards in NBS Handbook 44, second edition (1955), are followed.

History: Cr. Register, December, 1956, No. 12, eff. 1–1–57; am. (1), (2), (3), Register, April, 1959, No. 40, eff. 5–1–59; Cr. (8), Register, February, 1962, No. 74, eff. 3–1–62.

Phar 1.05 Professional coverage. No pharmacy shall at any time be open for business unless there is present therein and in charge thereof a licensed pharmacist. An assistant licensed pharmacist may be in charge of a pharmacy in a town, village or city with a population of less than 500. In case a pharmacy loses the services of its pharmacist, the pharmacy shall close until another registered pharmacist is placed "in charge". The language "in charge" in section 151.04 (2), Wis. Stats., shall mean the physical presence of the pharmacist on the premises. He shall be permitted momentary or brief necessary absence for a meal period during which time he must be immediately available to the pharmacy, and provided no drugs are sold or prescriptions compounded or dispensed during his absence. A meal period shall be construed as meaning a period at mid-day and/or during the evening hours in which a meal is normally consumed. In no instance shall such period exceed 60 minutes. Every pharmacy must be in continuous daily charge of a registered pharmacist. Being in charge means having direct control of and supervision over the pharmaceutical operations of the pharmacy. An unregistered owner must also comply strictly with the above provision, and provide a registered pharmacist and give him complete power over the pharmaceutical affairs of said pharmacy. The license of any pharmacy shall be inoperative if the registered pharmacist in whose name the store license was issued ceases to be engaged in such pharmacy, and the owner shall close said pharmacy until he has employed another registered pharmacist in the same capacity. The registered pharmacist in whose name the license was obtained must at the time he ceases to be employed in such pharmacy, report within 5 days to the secretary of the board the fact that such pharmacy is no longer under his supervision.

History: Cr. Register, December, 1956, No. 12, eff. 1–1–57; am. Register, September, 1962, No. 81, eff. 10–1–62.

Phar 1.06 Display of certificates and renewals. (1) Certificates of all pharmacists and assistant pharmacists shall be framed and displayed conspicuously to the public view.

(2) Yearly renewal cards shall be placed in the lower right hand corner of the certificate and shall be posted when received. Only current renewal cards may be posted.

(3) The above are to be kept in a clean and orderly condition. Only valid current Wisconsin certificates of persons actually employed in a pharmacy may be displayed.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.07 Required professional volumes. All drug stores and pharmacies are required to have in their prescription rooms the latest revisions of U.S.P. and N.F. and their supplements; and a copy of the Wisconsin pharmacy laws and regulations.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.08 Prescription records. (1) A file shall be kept of all prescriptions filled for a period of 5 years.

(2) A record of all prescriptions refilled shall be maintained by indicating on the original prescription the date and amount of such refills.

(3) A separate file shall be kept for all narcotic prescriptions filled, said prescriptions being preserved for a period of 5 years.

(4) On all prescriptions for class A narcotic medication and amphetamine and barbiturate medication there shall be written in ink, on the reverse side thereof, the signature and the address of the person accepting the medication from the pharmacist as well as the date and time of receipt of the medication, if such person is not personally known to the pharmacist dispensing said medication.

(5) Copies of prescriptions for dangerous drugs issued from the pharmacy where the medication was dispensed pursuant to the receipt of said prescription shall bear on the face thereof in letters, red in color and equal in size to those describing the medication dispensed, the statement "COPY-FOR INFORMATION ONLY".

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57; am. Register, May, 1962, No. 77, eff. 6-1-62.

Phar 1.09 Sale of hypodermic syringes and needles. When a buyer of hypodermic syringes and needles has not previously been properly recorded by the pharmacist, it is the latter's responsibility to record the name and address of the purchaser and the intended use of these items, as well as the name of the attending physician, in the exempt narcotic record book, or a separate record book kept for that purpose.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.10 Supply of drugs and chemicals. (1) The owner of a pharmacy shall maintain in such pharmacy a supply of drugs and chemicals. (a) Such drugs and chemicals shall meet all standards of strength and purity as established in the current edition of U.S.P. and N.F. and shall be properly stored. (b) Pharmaceuticals which vary from the purity specified on the label or are unfit for use due to deterioration or other causes shall not be carried in stock, and shall be destroyed when so ordered by the board.

Stats., and the person filling such a purported prescription knowingly, as well as the person issuing it, shall be subject to the penalties provided for violation of the provisions of law relating to controlled substances.

(2) A prescription issued by a practitioner to obtain controlled substances for the purpose of general dispensing to patients shall not be considered a valid prescription.

(3) A prescription may not be issued for dispensing of drugs listed in any schedule to a drug dependent person for the purpose of continuing his dependence upon such drugs, in the course of conducting an authorized clinical investigation in the development of an addict rehabilitation program.

History: Cr. Register, September, 1972, No. 201, eff. 10–1–72.

Phar 6.05 Dispensing controlled substances. (1) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the name, address and registration number of the practitioner, the name and quantity of the drug prescribed, and the directions for use. Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner. A prescription for a controlled substance may be issued only by an individual practitioner who is authorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice, and registered or exempted from registration under the federal controlled substances act.

(2) A pharmacist may dispense directly a controlled substance listed in schedule II, III or IV only pursuant to a prescription issued by an individual practitioner. The prescription shall be initialed and dated by the dispensing pharmacist as of the date dispensed.

(3) An individual practitioner may dispense directly a controlled substance listed in schedule II, III or IV provided that the prescription container is labeled and records are maintained in accordance with the requirements of this code. An individual practitioner shall not delegate to an employe or agent other than a pharmacist any of the functions involved in directly dispensing a controlled substance to a patient in the course of his professional practice.

(4) A prescription for a controlled substance listed in schedule II may be dispensed only pursuant to a written prescription signed by the prescribing individual practitioner, except in emergency situations. No prescription for a controlled substance listed in schedule II shall be filled unless presented for filling within seven days following the date of issue.

JAN REG No. 229

(5) No pharmacy, individual practitioner, or other BNDD registered dispenser shall dispense at any one time, and no individual practitioner shall prescribe for dispensing at any one time, a controlled substance in any quantity exceeding a 34 day supply or 120 dosage units whichever is less.

History: Cr. Register, September, 1972. No. 201, eff. 10–1–72.

Phar 6.06 Refilling controlled substances prescriptions. (1) No prescription for a schedule II substance shall be refilled.

(2) No prescription for a substance listed in schedule III or IV

shall be filled or refilled more than 6 months after the date on which such prescription was issued and no such prescription authorized to be refilled may be refilled more than 5 times. Each refilling of a prescription shall be entered on the prescription, initialed and dated by the pharmacist as of the date of dispensing and shall state the amount dispensed. If the pharmacist merely initials and dates the prescription, he shall be deemed to have dispensed a refill for the full amount of the prescription. Additional quantities of drugs listed in schedules III and IV may only be authorized by a prescribing practitioner through issuance of a new and separate prescription. Prescription refill information may be kept in a uniformly maintained, readily retrievable, medication profile record system provided the entry is made in the medication profile record at the time of dispensing each refill.

(3) A prescription for a drug listed in schedule V may be refilled only as expressly authorized by the practitioner. If no such authorization is given, the prescription may not be refilled. Pro re nata or similar designations are not valid expressed refill authorizations.

History: Cr. Register, September, 1972, No. 201, eff. 10–1–72.

Phar 6.07 Partial filling of controlled substances prescriptions. The partial filling of a prescription for a controlled substance listed in schedule II, III, IV or V is permissible.

History: Cr. Register, September, 1972, No. 201, eff. 10–1–72.

Phar 6.08 Labeling controlled substances prescriptions. (1) The pharmacist filling a written or oral prescription for a controlled substance shall affix to the immediate container a label showing the date of dispensing; the pharmacy name and address; serial number of the prescription; name of the patient; name of the prescribing practitioner; directions for use and cautionary statements, if any, contained in such prescription or required by law.

(2) Individual practitioners who personally dispense any controlled substance to patients in the course of their professional practice other than by prescribing or administering shall affix to the immediate container a label showing the date of dispensing; the practitioner's name and address; the name of the patient; directions for use and cautionary statements as required by law.

History: Cr. Register, September, 1972, No. 201, eff. 10–1–72.