

Chapter Phar 6

PHARMACY LICENSES AND EQUIPMENT

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Note: Chapter Phar 6 as it existed on January 31, 1983, was repealed and a new chapter Phar 6 was created effective February 1, 1983.

Phar 6.01 Licenses; application. Requirements and procedures for applying for a pharmacy license are specified in s. 450.06, Stats. Approved application forms are available from the board. Appointments for the required pharmacy inspection may be made by contacting the board office. A license application and fee shall be on file with the board at least 30 days prior to the granting of the pharmacy license. A pharmacy may not operate unless a pharmacy license has been granted. Board action shall be taken within 90 days of receipt of a completed pharmacy application.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1989, No. 397; am. Register, August, 1991, No. 428, eff. 9-1-91.

Phar 6.02 Licenses; change of location or ownership.

(1) A pharmacy license authorizes a pharmacy to operate only at the location designated on the license. Licenses may not be transferred to another location.

(1m) A hospital which has a pharmacy area providing outpatient pharmacy services which is physically separate from, and not contiguous to the area from which inpatient pharmacy services are provided, shall have a pharmacy license for the outpatient pharmacy in addition to a license for the inpatient pharmacy.

(2) Any change in pharmacy ownership shall be reported to the board office and the pharmacy license of the former owner returned. A pharmacy license shall be granted to the new pharmacy owner before the pharmacy may operate.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; am. Register, August, 1991, No. 428, eff. 9-1-91; cr. (1m), Register, February, 1996, No. 482, eff. 3-1-96.

Phar 6.03 Changes in managing pharmacist. The pharmacy owner shall report to the board any change of managing pharmacist within 5 days following the change.

Note: Forms may be obtained upon request from the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Phar 6.04 Floor design. (1) **PROFESSIONAL SERVICE AREA.** The professional service area of a pharmacy shall not be less than 250 sq. ft. No more than 20% of the space may be used for storage of bulk pharmaceuticals. If the pharmacy is open at any time solely as a non-prescription or sundry outlet, without a pharmacist present, the professional service area shall be secured as specified in sub. (3). A variance to the 250 sq. ft. professional service area requirement may be authorized by the board upon submission of a specific plan describing the manner in which the proposed professional service area plan varies from the requirement.

(2) **PRESCRIPTION COUNTER SPACE.** A pharmacy shall have a prescription counter with a free working surface of 18 or more inches in width and at least 12 square feet in area. This free-working surface must be used only for the compounding and dispensing of prescriptions.

(3) **PROFESSIONAL SERVICE AREA REQUIREMENTS WHERE PHARMACIST IS ABSENT.** (a) A pharmacy may convert to a non-prescription or sundry outlet without a pharmacist present if the following requirements of the professional service area are met:

1. A secured, physical barrier surrounds the professional service area of the pharmacy and precludes access to the area by unlicensed personnel. A secured barrier may be constructed of other than a solid material with a continuous surface. If constructed of other than a solid material, the openings or interstices in the material shall not be large enough to permit removal of items from the professional service area by any means. Any material used in the construction of the barrier shall be of sufficient strength and thickness that it cannot be readily or easily removed, penetrated or bent. The plans and specifications of the barrier shall be submitted to the board for approval.

2. The barrier is locked in the absence of the pharmacist.

3. A patient's telephone request to renew a certain prescription may be accepted, but a telephone message from a practitioner giving a new prescription order or renewal authority may not be accepted.

5. Signs of reasonable size are posted at the entrance of the building and the professional service area prominently displaying the hours the pharmacist will be on duty.

6. The manner in which the telephone is answered does not imply that the location is, at that time, operating as a pharmacy.

7. The pharmacy examining board office is notified of the hours during which the establishment is operated as a sundry outlet.

(b) The managing pharmacist is responsible for compliance with all professional service area security requirements.

(4) **PROFESSIONAL SERVICE AREA REMODELING.** Any modifications of the approved floor plan shall be submitted to and approved by the board or its designee. Board action must be taken within 60 days.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; cr. (4), Register, August, 1991, No. 428, eff. 9-1-91; r. (3) (a) 4., Register, January, 1996, No. 481, eff. 2-1-96.

Phar 6.05 Sanitation. The professional service area of a pharmacy shall have a sink convenient and suitable for cleaning pharmaceutical equipment and supplied with hot and cold running water. Detergent and a waste disposal container also shall be provided in the professional service area.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.

Phar 6.06 Minimum equipment. (1) The professional service area of a pharmacy shall have at least the following equipment:

(a) A balance that conforms to the specifications of a class 3 balance and meets the requirements of the national bureau of standards handbook 44.

(b) One set of accurate metric weights capable of weighing substances of 50 mg. to 50 g. and which meets the requirements of the national bureau of standards handbook 44.

(c) A supply of transparent glass graduates in metric scale capable of measuring 5 ml. to 100 ml. and which meets the requirements of the national bureau of standards handbook 44.

Note: Copies of handbook 44 are on file with the pharmacy examining board office and with the office of secretary of state and revisor of statutes. A copy of handbook 44 can be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) An accurate device to measure less than 5 ml.

- (e) A supply of Wedgewood and glass mortars and pestles.
- (f) A supply of stainless steel spatulas and at least one hard rubber spatula.
- (g) A supply of acid, base and solvent-resistant funnels.
- (h) A heating device for any preparation that requires heat for compounding.
- (i) Ointment slab or ointment paper.
- (j) The latest available revision of federal and state pharmacy laws consisting of:
 1. Drug enforcement administration regulations, 21 CFR 1300 to end.
 2. Wisconsin pharmacy laws, ch. 450, Stats.
 3. Wisconsin controlled substances act, ch. 161, Stats.
 4. Wisconsin administrative code, rules of the pharmacy examining board.
- (k) Copies of current references appropriate to the individual pharmacy practice. These references should include, but are not limited to, the following topics: drug interactions; patient counseling; compounding and pharmaceutical calculations; and generic substitution.

(l) The telephone number of a poison center. This number shall be conspicuously posted in the prescription department.

(2) Any person may apply for a variance to the application of any provisions in sub. (1) (a) through (l) by filing a written request with the board at P.O. Box 8935, Madison, Wisconsin 53708 stating the reasons for the variance.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; r. and recr. Register, January, 1989, No. 397, eff. 2-1-89; correction in (2) made under 13.93 (2m) (b) 6., Stats., Register, January, 1989, No. 397.

Phar 6.07 Storage. (1) The professional service area shall have a refrigerator adequate for the storage of biological and other drugs requiring refrigeration.

(2) The professional service area shall have sufficient shelf, drawer or cabinet space for the proper storage of a representative stock of prescription labels, an assorted stock of prescription containers, and an adequate stock of prescription drugs, chemicals and required pharmacy equipment.

(3) Controlled substances shall be stored in a securely locked, substantially-constructed cabinet or dispersed throughout the inventory of non-controlled substances in a manner that obstructs theft.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83.