

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-031)

PROPOSED ORDER

An order of the Medical Examining Board to amend Med 10.02 (2) (s) (intro.) and (zb) (intro.), relating to prescribing or dispensing schedule II amphetamines or schedule II anorectics.

Analysis prepared by the Department of Regulation and Licensing

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

Statutes interpreted: s. 961.16 (5), Stats.

In this proposed rule-making order the Medical Examining Board clarifies the conflict between prohibiting the prescribing or dispensing of Schedule II amphetamines except for certain specified purposes, and permitting the prescribing or dispensing of Schedule II anorectics for weight control if certain conditions are met. The board eliminates the reference to Schedule II anorectics in s. Med 10.02 (2) (zb), in order to clarify the situation, because there is no Schedule II anorectic that is not an amphetamine or sympathomimetic amine. Stimulants currently listed in ch. 961, Stats., as Schedule II substances include amphetamine, methamphetamine, pentobarbital and methylphenidate. Amphetamine and methamphetamine are amphetamines, and pentobarbital is a sympathomimetic amine. Accordingly, methamphetamine (Ritalin®) is the only Schedule II stimulant which is not also an amphetamine or sympathomimetic amine, and methylphenidate is not classified as an anorectic. As to the question whether anorectic stimulant drugs currently listed in Schedule III or IV may be elevated to Schedule II, there are not any sympathomimetic amines so as to fall within the requirements of the amphetamine rule if raised to Schedule II.

TEXT OF RULE

SECTION 1. Med 10.02 (2) (s) (intro.) and (zb) (intro.) are amended to read:

Med 10.02 (2) (s) (intro.) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine, or sympathomimetic amine drug or compound designated as a schedule II controlled substance pursuant to the provisions of s. 961.16 (5), Stats., to or for any person except for any of the following:

(zb) (intro.) Prescribing, ordering, dispensing, administering, supplying, selling or giving any anorectic drug designated as a schedule II, III, IV or V controlled substance for the purpose

of weight reduction or control in the treatment of obesity unless each of the following conditions is met:

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____

Chairperson
Medical Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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