



STATE OF WISCONSIN

Department of Safety and Professional Services

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Madison WI 53703

Governor Scott Walker

Secretary Dave Ross

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CONTROLLED SUBSTANCES BOARD

Contact: Dan Williams (608) 266-2112

Room 121A, 1400 E. Washington Avenue, Madison

APRIL 25, 2013

Notice: *The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

FULL BOARD MEETING

9:00 P.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. **Approval of Agenda (1-2)**
- B. **Approval of Meeting Minutes of December 11, 2012 (3-8)**
- C. **Administrative Updates (9-10)**
 - 1) Board Election (11-12)
 - 2) Chair Appointments (11-12)
 - 3) Liaison Authority & Signature Process
 - a. Credentialing (13-14)
 - 4) Paperless Update (15-28)
 - 5) Staff Update
- D. **APPEARANCE 9:10 A.M. – Dr. Joseph Thulin – Discussion and Consideration (29-32)**
- E. **Results on Research Regarding Application Signature Requirements – Discussion and Consideration (33-34)**
- F. **Special Use Authorization (SUA Matters) – Discussion and Consideration (35-36)**
 - 1) **Brown County DA Letter of Request for Emergency Scheduling (37-38)**
 - 2) **Mobile Veterinarians (39-42)**
- G. **Legislative/Administrative Rule Matters – Discussion and Consideration**
 - 1) **CSB 2 Scope Statement (43-44)**
 - 2) **CSB 3 Scope Statement (45-46)**
 - 3) **Executive Order 61 (47-50)**
 - 4) **Right the Rules (51-52)**

- H. Items Received After Preparation of the Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Proposed Final Decision and Order(s)
 - 5) Informational Item(s)
 - 6) Division of Legal Services and Compliance (DLSC) Matters
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Class 1 Hearings
 - 10) Practice Questions/Issues
 - 11) Legislation/Administrative Rule Matters
 - 12) Speaking Engagement(s), Travel, or Public Relation Request(s)

I. Informational Item(s)

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

K. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda

L. Deliberation of Items Received After Preparation of the Agenda:

- 1) Deliberation on Class 1 Hearings
- 2) Application Issues and/or Reviews
- 3) Professional Assistance Procedure (PAP)
- 4) Monitoring Matters
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Administrative Warnings
- 7) Review of Administrative Warning
- 8) Orders Fixing Costs/Matters Related to Costs
- 9) Proposed Final Decisions and Orders
- 10) Petitions for Summary Suspension
- 11) Petitions for Re-hearings
- 12) Education and Examination Matters
- 13) Credential Issues
- 14) Supervisor Approvals
- 15) Appearances from Requests Received or Renewed
- 16) Motions

M. Division of Legal Services and Compliance

- 1) Case Status Report
- 2) Case Closings

N. Legal Counsel Matters

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Voting on Items Considered or Deliberated on in Closed Session, if Voting is Appropriate
ADJOURNMENT

**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
DECEMBER 11, 2012**

PRESENT: Yvonne Bellay, DVM; Alan Bloom; Doug Englebert, R. Ph.; Martin Koch;
Timothy Boehmer, R.Ph.

STAFF: Dan Williams, Executive Director; Sharon Henes, Paralegal, Matthew Niehaus,
Bureau Assistant

CALL TO ORDER

Doug Englebert, Chair, called the meeting to order at 12:01 p.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item “S” (closed session) **ADD** the agenda item titled “S-2: Application Review – Dodge County Humane Society”

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 27, 2012

MOTION: Tim Boehmer moved, seconded by Dr. Bellay, to approve the minutes of February 27, 2012 as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 21, 2012

MOTION: Dr. Bloom moved, seconded by Tim Boehmer, to approve the minutes of September 21, 2012 as published. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALAN BLOOM INQUIRY

MOTION: Dr. Bellay moved, seconded by Tim Boehmer, to request that DSPS staff draft a letter for Joseph D. Thulin to see if he would want to pursue his request for action from the Board regarding dispensing controlled substances for medical treatment of lab animals at the next meeting. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF EAU CLAIRE POLICE DEPARTMENT INQUIRY

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to request that DSPS staff draft a letter, approved by Dr. Bellay, to Eau Claire Police Department clarifying the Board's position with regard to their regarding the November 5, 2012 inquiry regarding immobilization of animals. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to request that DSPS staff create a Scope Statement to address chemical immobilizing or tranquilizing of animals for transport for treatment and that Dr. Bellay – with Doug Englebert as a second - is authorized to approve this Scope Statement for submission and approval after publication for implementation by the Chair. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF A MOTION RELATED TO DELEGATING AUTHORITY TO THE SUA LIAISONS/REVIEWERS AND THE EXTENT OF THAT AUTHORITY; A DISCUSSION, BOARD-APPROVAL, OR MOTION RELATED TO EUTHANASIA INJECTION COURSES

MOTION: Tim Boehmer moved, seconded by Martin Koch, to authorize Dr. Bellay and Alan Bloom as SUA liaisons and reviewers to approve and deny SUA applications. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Martin Koch, to authorize Dr. Bellay and Alan Bloom to approve required training or credentialing on behalf of the Board. Motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF SCOPE STATEMENT AS TO THE
EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES**

MOTION: Tim Boehmer moved, seconded by Dr. Bellay, to request DSPS staff create a Scope Statement to incorporate the following substances into the Uniform Controlled Substances Act, Chapter 961 and to designate Martin Koch and Doug Englebert to approve this Scope Statement for submission and approval after publication for implementation by the Chair:

JWH-019

JWH-122

JWH-398

AM2201

AM694

SR-19 and RCS-4

SR-18 and RCS-8

JWH-203

2C-E

2C-D

2C-C

2C-I

2C-T-2

2C-T-4

2C-H

2C-N

2C-P

ANPP

Oripavine

Ezogabine or any of its salts, isomers, or salts of isomers

Carisoprodol

Tapentadol

19-Nor-4,9(10)-androstedione

Desoxymethyltestosterone

Boldione

Zopiclone

Pregabalin or any of its salts, isomers, or salts of isomers

Methylone, 3,4-methylenedioxy-N-methylcathinone, bk-MDMA

Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to table the discussion and consideration of a scope statement as to the emergency scheduling of controlled substances related to UR-144 and XLR-11 until further information is made available to the Board. Motion carried unanimously.

REPORT ON PRESENTATION AT THE WISCONSIN FEDERATED HUMANE SOCIETIES BADGER STATES CONFERENCE

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to request DSPS staff place Dr. Bellay's PowerPoint from the Wisconsin Federated Humane Societies Badger States Conference on the DSPS website. Motion carried unanimously.

NEW BUSINESS

MOTION: Dr. Bellay moved, seconded by Tim Boehmer, to request that DSPS staff recreate the dog trainer application form to be consistent with CSB3.05. Motion carried unanimously.

PUBLIC COMMENTS

2:58 p.m. appearance by Nate Peterman

CLOSED SESSION

MOTION: Tim Boehner moved, seconded by Dr. Bellay, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: Yvonne Bellay, DVM-yes; Alan Bloom-yes; Doug Englebert, R.Ph.-yes; Martin Koch-yes; and Timothy Boehmer, R.Ph.-yes. Motion carried unanimously.

The Board convened into Closed Session at 3:05 p.m.

RECONVENE TO OPEN SESSION

MOTION: Dr. Bloom moved, seconded by Martin Koch, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:48 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Dr. Bellay moved, seconded by Martin Koch, to affirm all motions made in closed session. Motion carried unanimously.

APPLICATION ISSUES AND/OR REVIEWS

Application Review – Dodge County Humane Society

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to deny the application of Dodge County Humane Society. **REASON FOR DENIAL:** Applicant failed to apply for an amendment per CSB3.06(1) to their previous SUA to request additional drugs and their new applications calculated amounts are not consistent with historical levels. In the event Dodge County Humane Society wishes to apply for a new SUA, they must appear before the Board. Furthermore, the Board directs DSPS staff to draft a letter to Dodge County Humane Society informing them that they may not exercise the privileges of their expired SUA permit. The DEA will be sent a copy of this letter. Motion carried unanimously.

ADJOURNMENT

MOTION: Tim Boehmer moved, seconded by Dr. Bloom, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:48 p.m.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/4/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WI CONTROLLED SUBSTANCES BOARD			
4) Meeting Date: 4/25/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) Board Election 2) Chair Appointments 3) Liaison authority and signature process <ol style="list-style-type: none"> a) Credentialing / The DSPS credentialing staff will appear and provide the Board with an overview of the credentialing process for the credentials under its purview. Additionally, the Board should work to define the role(s) of its credentialing liaison(s) in an effort to clarify its expectations in terms of credentialing liaison work. 4) Paperless update / Brief presentation of how Board Members can sign up for SharePoint access as a part of the paperless initiative, as well as instructions for using DSPS laptops. 5) Staff update 			
11) <p style="text-align: center;">Authorization</p> <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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Chair: Doug Englebert

Vice-Chair: Alan Bloom

Secretary: Yvonne Bellay

SUA Liaisons: Alan Bloom, Yvonne Bellay

Legislative Liaison: Doug Englebert

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Draft Motions:

MOTION: moved, seconded by , that the Board delegates authority to the Chair or designated Board member to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair or Board member has the ability to delegate this signature authority to the Executive Director for purposes of facilitating the completion of assignments during or between meetings. The Chair or Board member delegates the authority to the Executive Director, to sign the name of the Chair or Board member on documents as necessary.

MOTION: moved, seconded by , that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Matthew C. Niehaus, Bureau Assistant		2) Date When Request Submitted: 2/4/2013	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 4/25/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Paperless Initiative	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Brief presentation of how Board Members can sign up for SharePoint access as a part of the paperless initiative, as well as instructions for using DSPS laptops.			
11) Authorization			
Matthew C. Niehaus			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

How to register for a username/password on <http://register.wisconsin.gov> .

In order to access the Board SharePoint site, Board Members must obtain a State of WI/DOA username/password from this site <http://register.wisconsin.gov> . Once registered, Board Members will be provided a DOA credential under the Wisconsin External (wiext) domain. This account is intended to provide users with access to multiple State of Wisconsin web applications, including the DSPS SharePoint site.

To Begin, use the 'Self Registration' link

DOA/Wisconsin Logon Management System - Windows Internet Explorer provided by State of Wisconsin

http://register.wisconsin.gov/AccountManagement/

wisconsin.gov home state agencies subject directory

Wisconsin Department of Administration | News | Search | Home

[Main Menu](#) | [Help](#) | [FAQ](#)

DOA/Wisconsin Logon Management System

The DOA/Wisconsin Logon Management System allows authorized individuals to access many DOA Internet applications using a single ID and password. When access to information or services is restricted to protect your privacy or the privacy of others, you will be asked to provide your DOA/Wisconsin Logon and password. Your DOA/Wisconsin Logon and password verifies your identity so that we can provide you with access to your information and services and prevent access by unauthorized individuals.

User Acceptance Agreement

Please note that only certain types of information will be stored in your user profile, as described in the [User Acceptance Agreement](#). Your user profile will never contain records such as driving history, tax information, unemployment compensation, vehicle registrations or prison records.

Sign Up for your DOA/Wisconsin Logon

[Self Registration](#) (Request a DOA/Wisconsin Logon and Password.)

Self Registration allows you to create **your personal** DOA/Wisconsin Logon. This is your key to doing secure business with DOA over the Internet.

Change / Update Your Information

[Profile Management](#) allows you to change your account information, e-mail address and other information.

Change Your Password

[Password Management](#) allows you to change your password.

Forgot Your Logon ID or Password?

[Logon ID/Password Recovery](#) allows you to recover a forgotten DOA/Wisconsin Logon and/or Password.

Updated February 6, 2009
DET - Bureau of Business Applications Services
Content Contact: [BRAS/BA](#)

[Wisconsin.gov](#) | [Search](#) | [Legal](#) | [DOA Home](#)

Customer ID Menu

- :: [Self Registration](#)
- :: [Profile Management](#)
- :: [Password Management](#)
- :: [Forgot your account information?](#)
- :: [User Acceptance Agreement](#)

Not sure if you already have DOA/State of WI account?

Use the 'Forgot Your Logon ID or Password' link to check

After accepting the user agreement, complete the 'Account Creation' form.

Indicate 'SharePoint' under the section entitled, 'Systems You Will Access'

Account Creation

* Indicates Required Field

Profile Information

First Name *
Middle Initial
Last Name *
Suffix
E-Mail *
Use this format 6085551234
Phone ext.

Mailing Address

Street Address
City
State/Province
Zip Code -

Systems You Will Access

Use your mouse to highlight the system that you want to access.

Systems *
 *

Account Information

Your Logon ID must be between 5-20 characters and **CAN** be a combination of letters and numbers. Your Logon ID must not contain spaces or special characters.

Logon ID *
Your Password must be 7-20 characters long and **MUST** contain a combination of letters and either numbers or special characters (except the @ ? / signs). Passwords are case sensitive. Your Password cannot contain the Logon ID.
[Password Tip](#)

Password *
Re-enter Password *

Logon ID/Password Recovery

Enter a question and answer for use if you forget your DOA/Wisconsin Logon ID or Password. Your Secret Question and Secret Answer cannot contain your password.
[Secret Question and Answer Tip](#)

Secret Question *
Secret Answer *

Verification

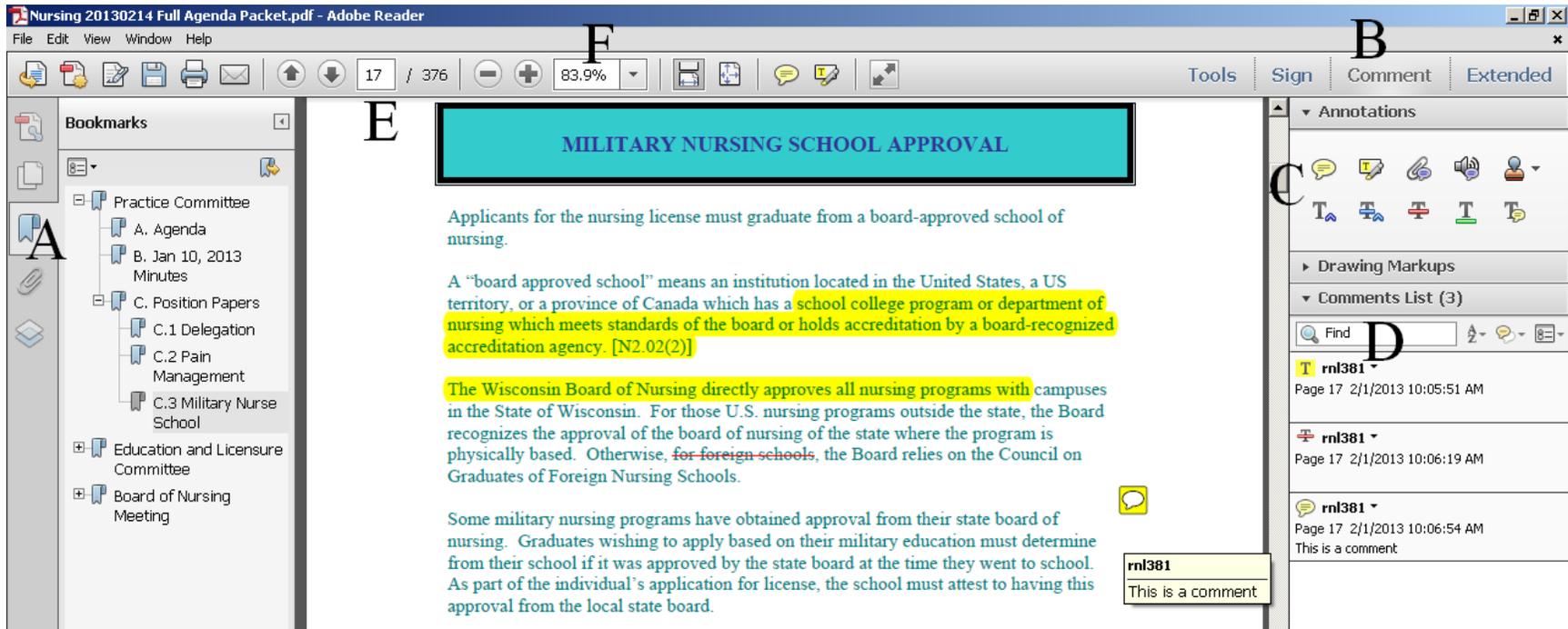
This step helps prevent automated registrations.
If you cannot see the number below [click here](#).

Please enter the number as it is shown in the box to the left. *

Please use a login ID of your first initial followed by your middle initial followed by your last name, as in the example to the left.

Remember your logon ID, as you will need to provide that to DSPS staff in order for you to receive proper access rights.

Once you have been granted permission to access the Board's website, you should receive an automated 'Welcome to SharePoint' email with a link to the site.



Above is an example of an agenda packet page, with some features you can access through Adobe Reader.

A: Bookmarks – When the Bureau Assistant creates the Agenda Packet, it is possible to place in bookmarks for quick reference during meetings. You can expand and minimize categories to better enable you to jump from section to section of your agenda here.

B: Comment – On specially designated .pdf files, it is possible for Adobe Reader to be given comment privileges. This allows a Board member to make comments on documents, as well as edit, highlight, or insert text in suitable files. Please note, if the file is a scanned copy, it is likely that the highlight and text editing features will not be usable. The comment feature will still work in such an issue.

C: Annotations & Drawing Markups – These are the different options you can use to mark up your document for your reference. If you mouse over an option, it will give a brief description of what it can do for you. Feel free to experiment and find out what works best for you!

D: Comments List – Quickly jump between your comments by selecting them in this list. Never again will you miss out on a note during a discussion with this handy tool.

E: Page List – No more rifling through papers in order to track down that page someone mentioned! With this handy bar, you can simply type in the page you are looking for, hit enter, and Adobe Reader will take you directly to the page.

F: Zoom – Having trouble reading something? You can zoom in and out on a document with this bar. The plus and minus signs to the left can be used to make quick adjustments as well.

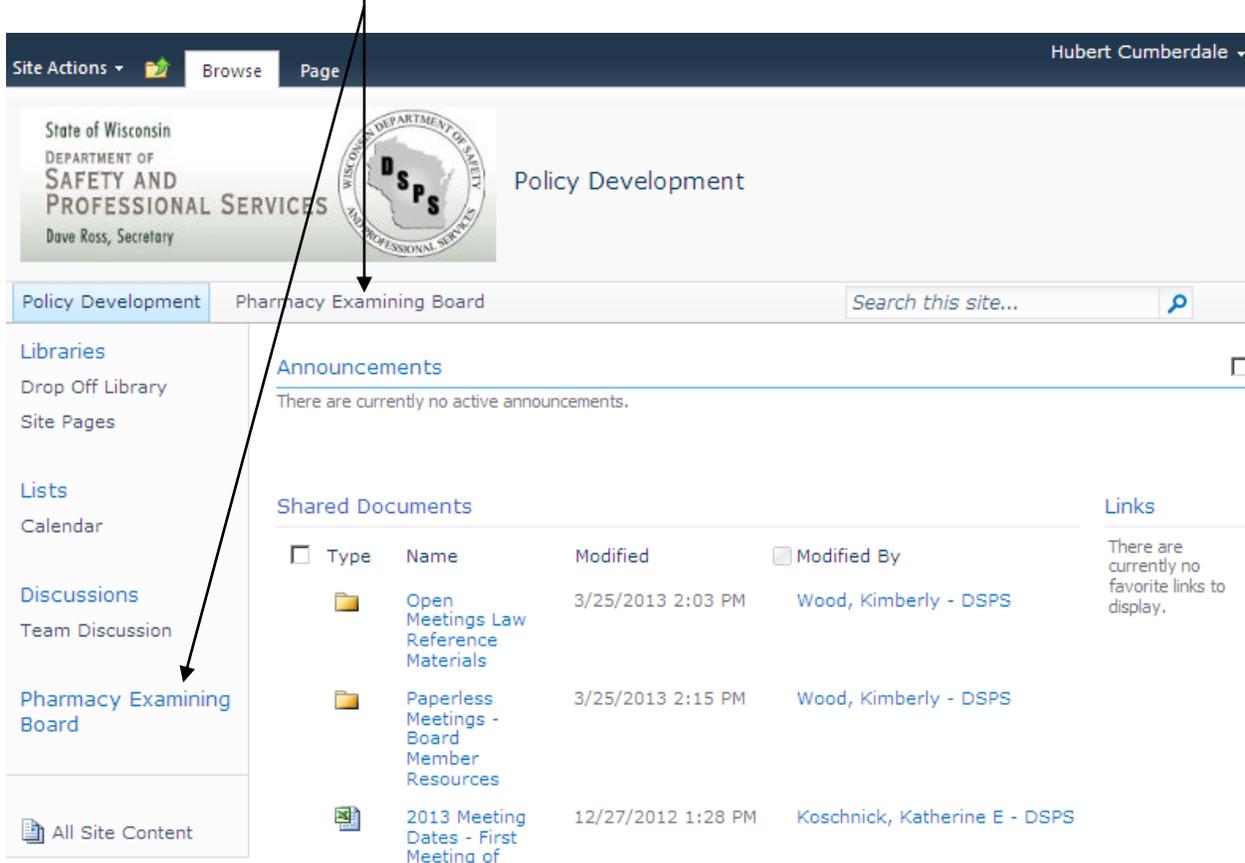
In order to log into the SharePoint site, you will need to go to <https://webapps.wi.gov/sites/dsps/boards/>

When you load this page, you should receive a prompt to enter your User name and password. Your User name is the Logon ID from when you created your Wisconsin Extension account. In order to tell SharePoint where to find your account, you will need to place wiext\ in front of your username at this login prompt. If you are logging in from a secure location, you can check the box to allow SharePoint to remember your username and password.



If you have forgotten your login information or password, there is a link at the bottom of <http://register.wisconsin.gov> that can be used to recover your Login ID and Password.

Once you enter your information successfully, you will be taken to the SharePoint launch page. The launch page also contains useful Board member information on things like open meetings law, paperless meeting resources, and a wide array of other information. From this site, you can select your Board and then you will be taken to the Board site.



There are several sections of this site that will be of interest to Board members. If you examine the left hand side of the screen when you get to your Board's site, you will see a navigation panel that lists every library and list you have permission to access. Please take a moment to familiarize yourself with the look of the site. Playing around is highly encouraged.

Board of Nursing

Libraries

Introduction & Overview
Materials

Board Materials

Legal Services and
Compliance

Credentialing

Board Member Folders

Site Pages

Lists

Calendar

Board Officers &
Liaisons

The bar to the side of the left side of the page has several options on it that should be of interest to Board members. Many areas of the site are currently in development.

Introduction & Overview Materials: This library contains several documents relevant to Board business.

Board Materials: This library contains individual agenda items, as well as a copy of the completed agenda. The library is divided into subfolders by meeting.

Legal Services and Compliance/Credentialing: These libraries will be used by DLSC and Credentialing personnel to provide documents relevant to the respective areas. These sections of the site are currently in development.

Board Member Folders: This library contains a folder for each Board member. These folders are only visible to the Board member who they correspond to and are configured to allow Board members to upload any documents they wish. This folder will also contain a copy of the meeting agenda which Board members will be able to make comments in.

Site Pages: This section is currently in development

Calendar: A calendar of Board events. This is currently in development.

Board Officers & Liaisons: This list contains a directory of Board officers and liaisons. This directory will be updated prior to the meeting.

Search this site...						
<input type="checkbox"/> Type	Name	BoardName	Meeting Date	Modified	<input type="checkbox"/> Modified By	
	March 14, 2013			3/7/2013 4:57 PM	Niehaus, Matt - DSPS	

Selecting Board Materials will give you access to a list of meetings by date. Selecting the meeting date (under the “name” category) from this list will bring you to the items for that meeting date.

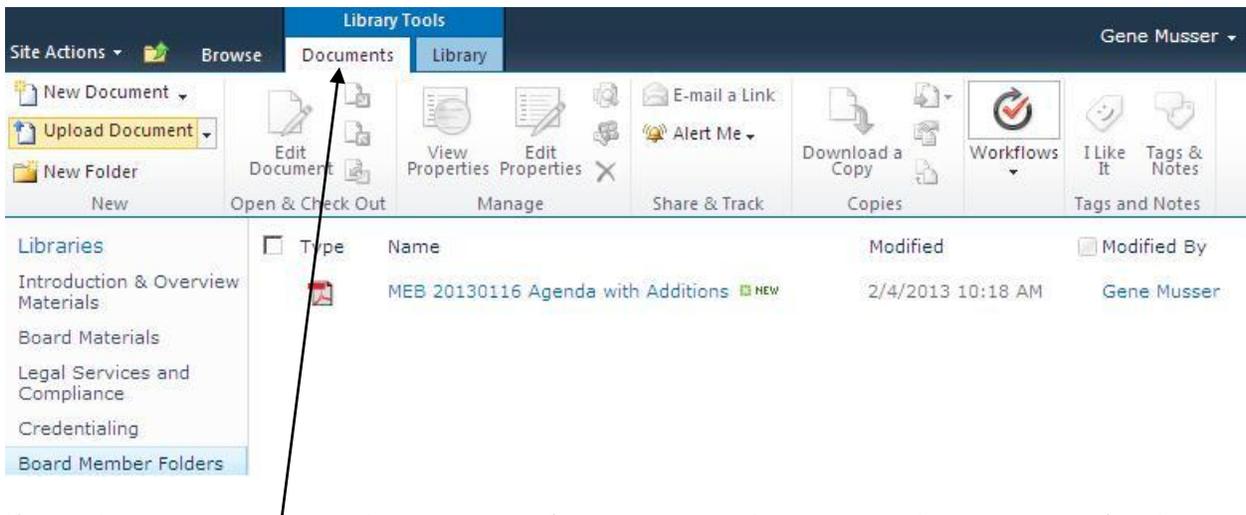
Board of Nursing > Shared Documents > March 14, 2013 > Create Date ▾
Share a document with the team by adding it to this document library.

Board of Nursing Search this site...						
<input type="checkbox"/> Type	Name	BoardName	Meeting Date	Modified	<input type="checkbox"/> Modified By	
	1. Agendas	Board of Nursing	3/14/2013	3/7/2013 5:05 PM	Niehaus, Matt - DSPS	
	2. Minutes	Board of Nursing	3/14/2013	3/8/2013 2:29 PM	Niehaus, Matt - DSPS	
	3. Executive Director Matters	Board of Nursing	3/14/2013	3/8/2013 2:46 PM	Niehaus, Matt - DSPS	
	4. Credentialing Matters	Board of Nursing	3/14/2013	3/8/2013 2:46 PM	Niehaus, Matt - DSPS	
	5. Disciplinary Matters	Board of Nursing	3/14/2013	3/8/2013 2:47 PM	Niehaus, Matt - DSPS	
	6. Education and Examination Matters	Board of Nursing	3/14/2013	3/8/2013 2:48 PM	Niehaus, Matt - DSPS	
	7. Legislative-Administrative Rule Matters	Board of Nursing	3/14/2013	3/8/2013 2:48 PM	Niehaus, Matt - DSPS	
	8. Practice Matters	Board of Nursing	3/14/2013	3/8/2013 2:49 PM	Niehaus, Matt - DSPS	

Inside of a meeting date folder, you can view several subfolders, each of which will hold individual agenda items. These items will be uploaded over the course of the month for Board members to review.

8 business days before the meeting date, the Board’s Bureau Assistant will begin preparing an agenda packet, which will be placed in the Agenda Packet folder, as well as each individual user’s folder in Board Member Folders. This document will be opened to comments by Board members. Any items added after the agenda deadline will also have comment-enabled copies added to individual Board member folders.

When you select Board Member Folders, you will be brought to a page with a folder with your name on it. If you open this folder, you will be taken into your folder. You have elevated permissions inside of your folder, which will give you the ability to create, upload, edit, and save files.



If you click on the documents link at the top of the page, you will be able to view a new set of options. Of particular interest are New Document and Upload Document. If you create a new document, SharePoint will create a new word file. Upload Document can be used to upload your own files, such as a copy of the agenda you have made comments in.

When you upload a document, you will be prompted with the following window. Clicking Browse will let you navigate to a location on your computer to upload the file. The destination folder option should automatically fill in with your folder's name. You will not want to change this. You can enter versioning comments if you desire to track any changes you made between different copies of files that you upload.

Upload Document

Browse to the document you intend to upload.

Name:

[Upload Multiple Files...](#)

Add as a new version to existing files

Destination Folder

Specify the folder in this document library where the document should be saved.

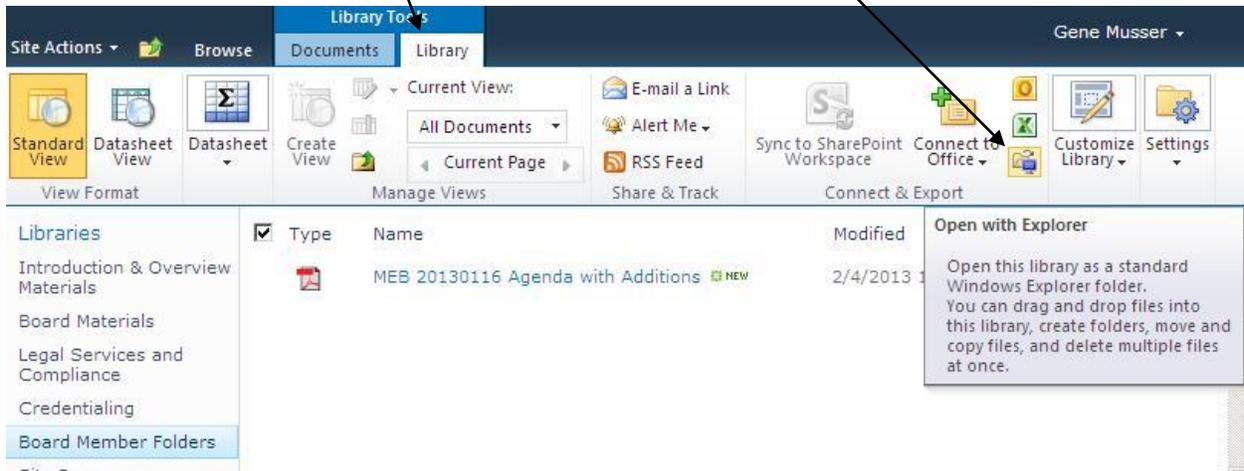
Folder:

Version Comments

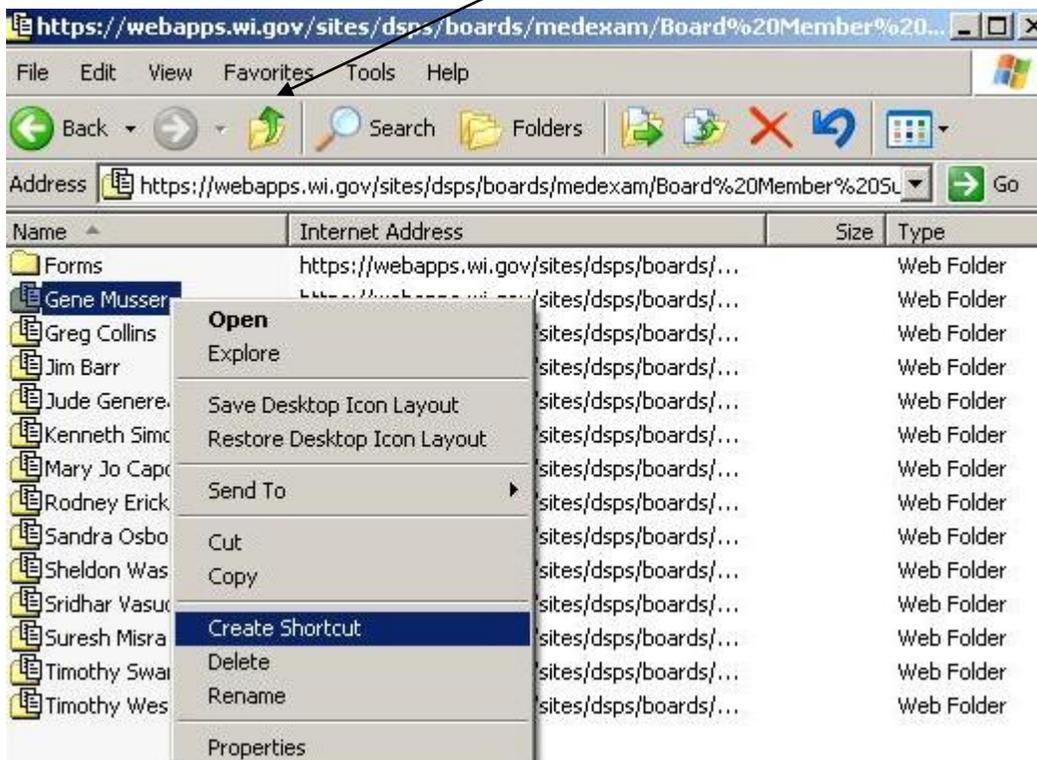
Type comments describing what has changed in this version.

Version Comments:

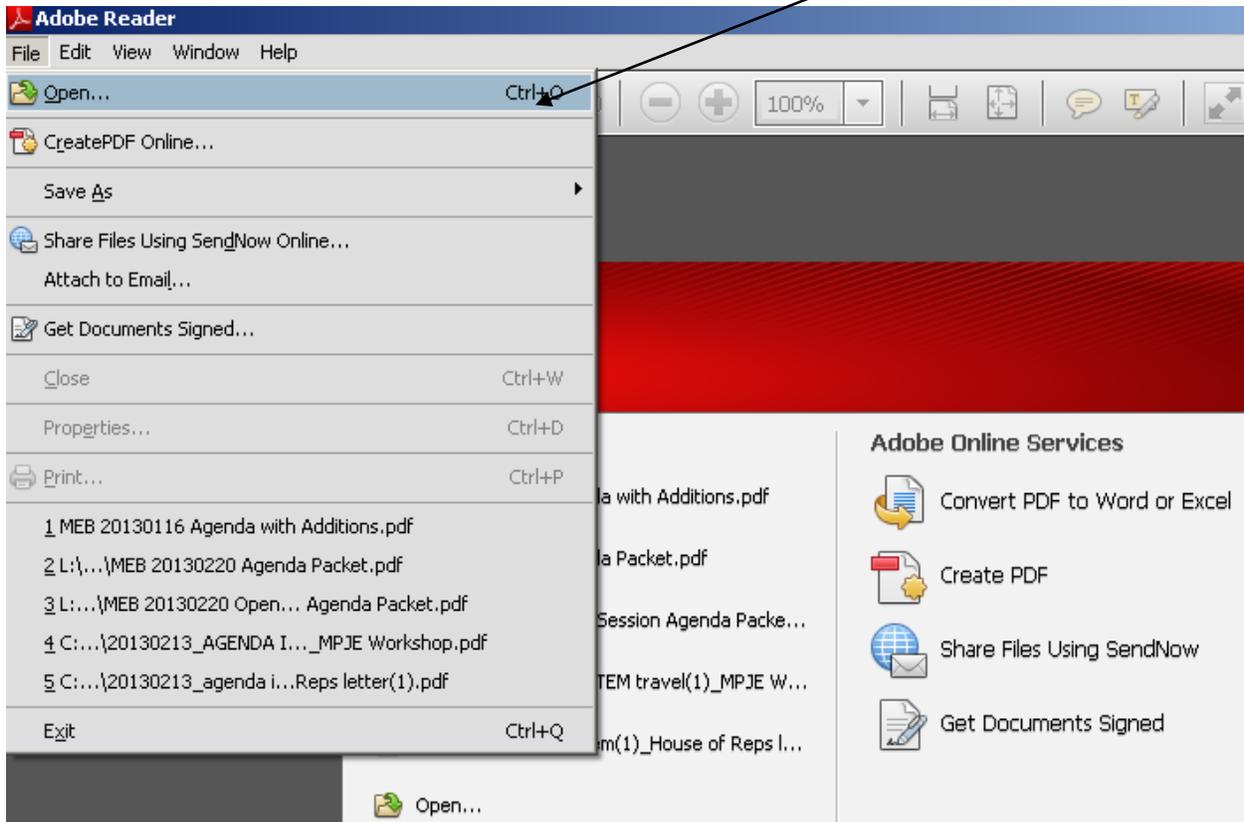
Another useful feature you can get out of SharePoint is the ability to browse the site as an Explorer window. If you go into the Library tab and select Open with Explorer, you can open up a regular Windows Explorer window, through which you can edit files without needing to interface directly with the site.



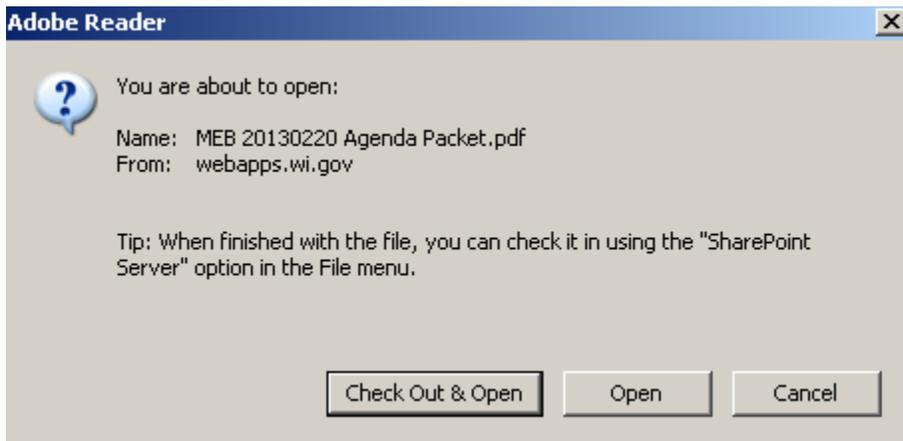
You can take this a step further and create a desktop shortcut to access your Board Member folder, should you so desire. In an open Explorer window, if you click the "Up" button, you can go back to the root folder for the Board Member Submissions, where you can then right click on your folder and create a shortcut (which will be sent to your desktop.) You can do this with other libraries in SharePoint as well, should you so desire.



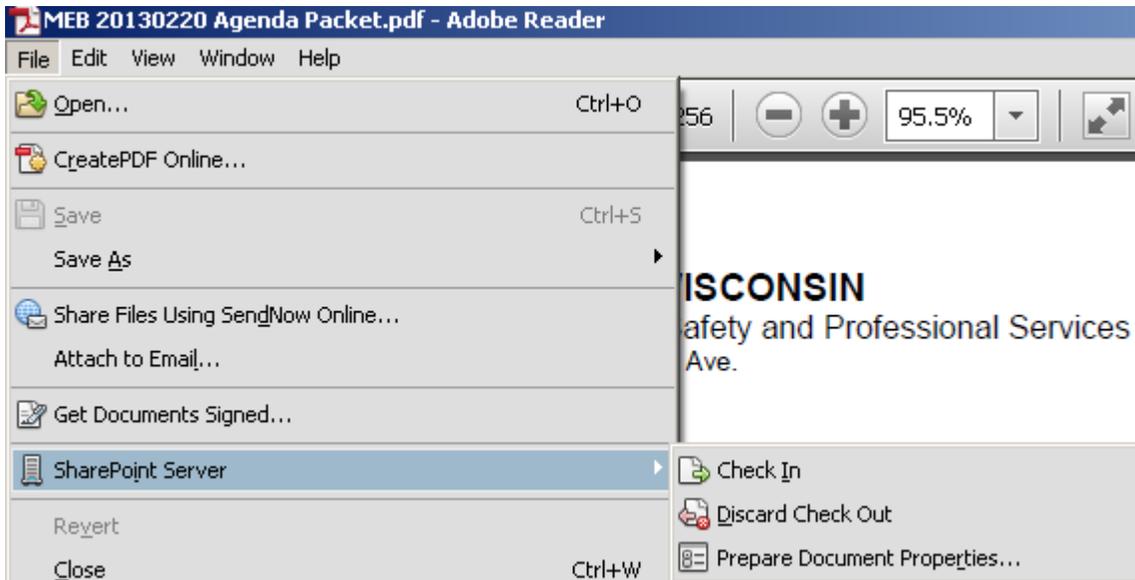
If you create a shortcut to your desktop, you can easily access and edit your agenda. If you open Adobe Reader, and navigate to the shortcut you created on your desktop, you will be able to open your folder. You may be prompted to enter your password again.



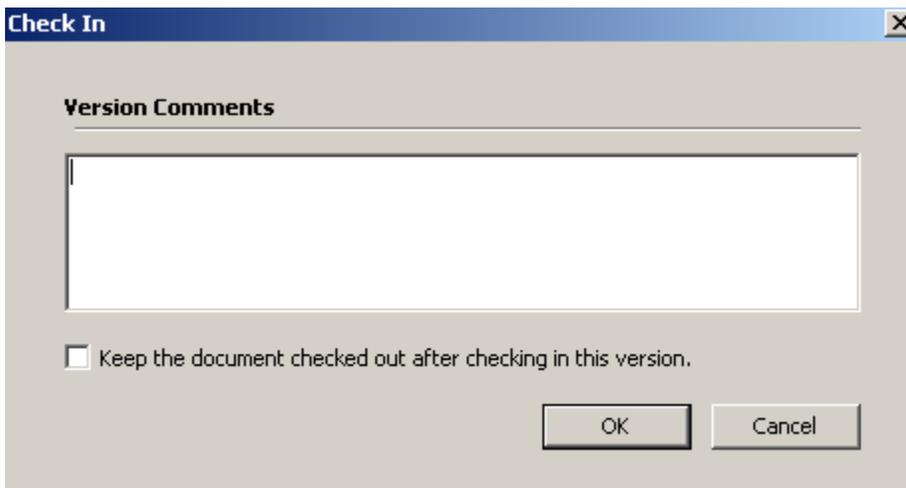
Once you open the file, you will receive a prompt about checking the file out. Through SharePoint, you will need to check out a file in order to make changes to it. Click on Check Out & Open and you will be able to insert whatever comments you desire into the document.



When you have made your comments to your document, you will need to check it back in so your comments will save. If you open the file menu and select SharePoint Server, you will be able to check the agenda packet back in, saving your changes to the document back to the SharePoint site.



When you click on Check In, you will get the following window. You can enter version comments to track what changes you made in this version, should you so desire. Once you hit OK, the file will be saved back on SharePoint. If you check the Keep the document checked out after checking in this version, you will be able to continue making changes to the document after checking it in.



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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/4/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Wisconsin Controlled Substances Board			
4) Meeting Date: 4/25/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appearance by Dr. Joseph Thulin – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p style="text-align: center;">Motion from last meeting:</p> <p>DISCUSSION AND CONSIDERATION OF ALAN BLOOM INQUIRY</p> <p>MOTION: Dr. Bellay moved, seconded by Tim Boehmer, to request that DSPS staff draft a letter for Joseph D. Thulin to see if he would want to pursue his request for action from the Board regarding dispensing controlled substances for medical treatment of lab animals at the next meeting. Motion carried unanimously.</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			



Biomedical Resource Center

December 10, 2012

STATE OF WISCONSIN
Department of Safety and Professional Services
Controlled Substances Board
1400 E Washington Ave.
Madison WI 53703

Dear Controlled Substances Board Members:

The Medical College of Wisconsin is considering changes to its procedures for procurement of controlled substances used in the care and treatment of laboratory animals. In short, those controlled substances that are used for veterinary medical treatment of laboratory animals would be dispensed by the veterinary staff to researchers as ultimate users who would, in turn, treat the animals. Details are provided in the attached document. We request that the Board review our proposed changes and inform us if any concerns are noted.

If you require any additional information, please don't hesitate to contact me.

Sincerely,



Joseph D. Thulin, DVM, MS, DACLAM
Director and Attending Veterinarian

attachment

c: David Gutterman, MD, Senior Associate Dean for Research
Kristin Johnson, General Counsel
Eric Biernat, Manager, Public Safety

Biomedical Resource Center
8701 Watertown Plank Road
Post Office Box 26509
Milwaukee, WI 53226-0509
(414) 955-4209
Fax: (414) 955-6508

**Medical College of Wisconsin
Biomedical Resource Center
Dispensing Controlled Substances for Medical Treatment of Laboratory Animals
December 2012**

Executive Summary

Most of the controlled substances (CS) administered to laboratory animals at MCW are used solely for preventing or ameliorating pain and/or distress, e.g., anesthesia, analgesia, and sedation. The use of CS for these purposes occurs under the advice and oversight of the institutional veterinary staff. However, in order to procure CS and administer them to laboratory animals, researchers have been required to obtain individual CS registrations from the federal Drug Enforcement Administration (DEA) and Special Use Authorizations (SUA) from the State of Wisconsin. Recognizing that the use of these CS is not actually a special use, but rather a legitimate veterinary medical use, as well as the inherent inefficiencies and cost with this framework, MCW proposes to implement a system whereby these agents are dispensed under the auspices of the institutional veterinarians' federal practitioner's registrations to the researchers as ultimate users.

Background

In support of its research and teaching missions, MCW has established a program of animal care and use consistent with the requirements of the Public Health Service Policy on the Humane Care and Use of Laboratory Animals (Office of Laboratory Animal Welfare, National Institutes of Health, 2002) and the federal Animal Welfare Regulations (9 CFR, Chapter 1, Subchapter A, Parts 1, 2, and 3). A key component of the federal regulatory standards is the requirement for institutions to appoint an Attending Veterinarian (AV) who has authority and responsibility for activities involving animals and for providing a program of adequate veterinary care. Requisite components of the veterinary care program include the effective management of pain, distress, anesthesia, analgesia and euthanasia. These requirements are implemented through the AV's oversight and guidance of the selection and use of anesthetics, analgesics, and other drugs used for the prevention or amelioration of pain and/or distress in animals used in research at the institution.

A large proportion of the CS administered to laboratory animals at MCW is for the purposes of inducing appropriate sedation, tranquilization, or anesthesia in the preparation of the animals for research procedures and/or providing appropriate pain relief during or after procedures. While the use of CS for such purposes is explicitly within the purview of the AV's federally-mandated veterinary care responsibilities, with rare exception researchers procure them directly and administer them under the auspices of their own DEA researcher registrations and Wisconsin SUAs. As of this writing there are approximately one hundred MCW researchers procuring CS under this framework. We have estimated the total cost (labor and fees) to MCW for procuring and maintaining federal and state registrations to exceed \$100,000 annually. This method for procurement has been implemented at many institutions and is deemed appropriate under federal and state regulations because the use of the CS has been considered to fall under the special use category of scientific research. However, in considering the use of CS for the prevention and control of pain and distress to be veterinary medical use, it is appropriate for them to be procured and dispensed by a duly credentialed veterinary practitioner having a valid veterinarian-client-patient relationship consistent with Wisc. Stat. 453.02 (8). This would lead to enhanced veterinary oversight, increased efficiency, and reduced costs for both MCW and the State of Wisconsin.

Veterinary medical care and oversight at MCW is provided through the Biomedical Resource Center (BRC), a service unit within the Office of Research. The BRC employs three full-time licensed veterinarians: the director of the BRC, who is appointed as MCW's AV, and two staff veterinarians who report to the director. The director and one staff veterinarian hold practitioner's registrations with the DEA. The AV has direct authority for activities involving animals at MCW, which includes determination of the proper medical care for all MCW animals. The staff veterinarians, working under the supervision of the AV, have delegated authority in this regard. All proposals to use animals in research are reviewed by the BRC veterinarians, and the veterinarians are actively involved in monitoring the post-approval use of animals. A valid veterinarian-client-patient relationship exists between the BRC veterinarians, MCW researchers, and MCW-owned laboratory animals. In this context, the dispensing of CS for medical treatment of MCW animals is in the ordinary course of the BRC veterinary practitioner's profession.

Implementation Plan Outline

A. Procurement and Dispensing CS for Veterinary Medical Use

1. CS for medical use in laboratory animals will be procured under the BRC veterinarians' practitioner's registrations.
 - a. Pentobarbital, ketamine, and buprenorphine account for the vast majority of these CS, but other CS such as diazepam, Telazol® (tiletamine and zolazepam), and other opioids are procured on occasion.
 - b. No Schedule I substances will be procured.
 - c. No CS that are the subject of a research project, e.g., cocaine, THC, etc., will be procured.
2. Storage, recordkeeping, and inventory practices will meet or exceed federal and state requirements.
3. A BRC practitioner or, on the instruction of a practitioner, their authorized agent will dispense CS to ultimate users for treatment of MCW-owned animal on MCW premises.
 - a. Dispensing practices will be consistent with Wisc. Stats. 453.068 (Drugs for animal use) and 961.
 - b. No more than a 30-day supply of Schedule II or 60-day supply of Schedule III-V substances will be dispensed for a given animal/animal group.
 - c. The ultimate users (ref. Wisc. Stat. 961.01 (21)) are MCW employees who are authorized by MCW to conduct research and provide care to animals owned by MCW.

B. Institutional Controls

1. MCW will implement the following requirements for ultimate users who are recipients of CS dispensed by the BRC veterinary staff.
 - a. Use of the CS must be consistent with veterinarian instructions.
 - b. Storage of dispensed CS must be consistent with those specified in WI DRL Form #2277, "Physical Security Requirements".
 - c. Storage locations must be registered with the BRC and the Office of Public Safety, and be made available for inspection by the AV or his designee and by Public Safety upon request.
 - d. Accurate records of CS use must be maintained and be made available for inspection by the AV, his designee, or the Office of Public Safety upon request. Minimally the records must document: the name of the CS; original amount dispensed/received; date(s) of administration; animal identification(s); and calculated amount remaining, if any.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kris Anderson, Board Legal Counsel Paralegal		2) Date When Request Submitted: 4-9-13	
<p>Items will be considered late if submitted after 4:30 p.m. and less than:</p> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 			
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: April 25, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes, to be added <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Results on research regarding application signature requirements	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board should consider the results of research on whether the creator's own signature is required on applications.			
11) Authorization			
<i>Kristine Anderson</i>		<i>4/9/13</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
<p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/4/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Wisconsin Controlled Substances Board			
4) Meeting Date: 4/25/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Special Use Authorization (SUA) Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Section to discuss matters that have arisen as to SUA's.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/4/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Wisconsin Controlled Substances Board			
4) Meeting Date: 4/25/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Brown County DA letter of request for Emergency Scheduling – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p style="text-align: center;">See attached letter of request.</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

OFFICE OF THE DISTRICT ATTORNEY

Brown County

300 E. WALNUT STREET, P.O. BOX 23600
GREEN BAY, WI 54305-3600
PHONE (920) 448-4190, FAX (920) 448-4189

**DAVID L. LASEE
DISTRICT ATTORNEY**

DEPUTY DISTRICT ATTORNEYS
Lawrence J. Lasee
Dana J. Johnson

VICTIM WITNESS COORDINATOR
Karen H. Dorau
(920) 448-4194

ASSISTANT DISTRICT ATTORNEYS

Mary M. Kerrigan-Mares
Wendy W. Lemkuil
Amy R.G. Pautzke
John F. Luetscher
Kevin C. Greene
Eric R. Enli
Thomas J. Coaty
Beau G. Liegeois
Kate R. Zuidmulder
Sarah E. Belair
Cynthia L. Vopal

February 13, 2013

Wisconsin Department of Safety and Professional Services
Controlled Substances Board
P.O. Box 8935
1400 E. Washington Avenue
Madison, WI 53708-8935

To Whom It May Concern:

The Brown County District Attorney's Office is currently prosecuting two cases relating to the possession or delivery of substances believed to be analogs of controlled substances listed in Chapter 961 of the Wisconsin Statutes. The substance was sent to the Wisconsin State Crime Laboratory in Wausau for analysis and was given Lab Case Number W12-1594. With respect to lab case W12-1594, Analyst Katie Hoffmeyer analyzed the substance and identified the presence of 2C-C-NBOMe, which, according to the report, has a chemical structure substantially similar to that of 4-iodo-2, 5-deimethoxy-beta-phenylethylamine (2C-I) which is controlled by Section 961.14(4)(wgm) of the Wisconsin Uniform Controlled Substances Act.

It is my understanding that the district attorney is required to provide information to this board relevant to emergency scheduling of the above-referenced substances. Additionally, it is my understanding that overdoses of 2C-C-NBOMe in Brown County have resulted in comas and brain damage. It is intended that this communication satisfy this office's requirements under Section 961.25, and serve as a request that the Wisconsin Controlled Substance Board review 2C-C-NBOMe for emergency scheduling as contemplated under Section 961.11(4m). Please notify me of the specific procedure that needs to be followed to have this request considered or of any additional information you may require in making your determination.

Thank you for your attention to this matter.

Sincerely,



Sarah E. Belair
Assistant District Attorney

SEB/hm

-----Original Message-----

From: Bellay, Yvonne M - DATCP

Sent: Wednesday, February 20, 2013 7:55 AM

To: Williams, Dan - DSPS; Englebert, Douglas A - DHS

Subject: DEA targets mobile veterinarians in California - DVM

I previously provided the board with an informational article about this issue. However, after reading this I was wondering if this ruling has any impact on our SUA approvals for translocation.

Yvonne

<http://veterinarynews.dvm360.com/dvm/Veterinary+news/DEA-targets-mobile-veterinarians-in-California/ArticleStandard/Article/detail/805258?contextCategoryId=378>



February 11, 2013

DEA targets mobile veterinarians in California

By Julie Scheidegger

Practitioners who carry drugs in vehicles told they're violating Controlled Substances Act.

Thomas Graham, DVM, PhD, used to keep controlled substances in a locked box in his vehicle. A cattle practitioner outside of Sacramento, Calif., Graham often practices veterinary medicine at ranches and production facilities outside his clinic walls. Then last year an e-mail from the U.S. Drug Enforcement Agency (DEA) popped up in his inbox, and that was the end of the locked box.

Graham was notified that by transporting controlled substances off his clinic premises, he was in violation of the Controlled Substances Act (CSA). Many mobile veterinarians work with the understanding that the CSA is not enforced in regard to their work and that using a locked box to carry drugs is acceptable. "That's what we were told was compliance," Graham says.

But veterinarians across California, specifically those who list their home address as their principal place of business, as Graham does, have been receiving similar notifications. According to Grant Miller, DVM, director of regulatory affairs for the California Veterinary Medical Association, the DEA is contacting veterinarians to confirm that the address provided is where controlled substances are stored and dispensed. "If the registrant offers information about being a mobile practice or ambulatory service, then that triggers the DEA enforcement officer to notify the registrant of a violation," Miller says.

The law requires practitioners to register every location where they store, distribute or dispense controlled substances. Before, the DEA seemed to treat veterinarians as an exception to the CSA, but now, at least in California, it is leaning toward enforcement. "It's our charge and our mandate to enforce the Controlled Substance Act. Those in violation could receive scrutiny," says Rusty Payne, a spokesman for the DEA—but he does concede that this is a difficult issue.

Ashley Morgan, DVM, assistant director of the American Veterinary Medical Association (AVMA) Governmental Relations Division, says the DEA is maintaining that it cannot "accommodate" mobile registrants, including veterinarians. "The DEA interprets the Controlled Substances Act in a way that requires veterinarians to register at each location where they want to administer or dispense a controlled substance," Morgan says. "And the DEA says the regulations resulting from the law cannot be changed through rulemaking."

The AVMA contends that the Controlled Substances Act was not written with veterinarians and their unique circumstances in mind. A letter to the DEA signed by U.S. Congressmen Kurt Schrader, DVM, Frank Lucas and Collin Peterson was sent in October 2012 to address the issue.

“At this time, the DEA is still in the process of responding to the congressional letter, which requested technical assistance in drafting legislative language to change the Controlled Substances Act to address the issue veterinarians face,” Morgan says.

DEA spokesman Payne says the agency is aware of the issue and is working to find a satisfactory solution, but reiterated that it would take legislative changes to the CSA. “We do want to solve this issue,” Payne says. “There could be a legislative fix where there was a carve-out for veterinarians.”

Those affected by the current status of enforcement are anxious for a speedy resolution. “[The] AVMA has been working closely with congressional offices and stakeholders on this issue, which seems to be noncontroversial, and believe that legislation will be introduced this Congress,” Morgan says. “We are hopeful that it will pass without delay.”

Graham, for one, also hopes the issue will be resolved soon. As a cattle practitioner, no longer carrying controlled substances is less of a concern for him than it is for others, he says. For example, mobile small animal and equine practitioners who regularly provide euthanasia services need to be able to transport the required controlled substances to the appropriate location—there are humane, emotional and quality-of-practice issues at stake. If a veterinarian is prevented from bringing euthanasia supplies along on a visit, “you’re at a point where you can’t relieve pain and suffering,” Graham says.



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STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2

Relating to: Additions to schedules in chapter 961

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 is to bring the Wisconsin Controlled Substances Act in Chapter 961, Wis. Stats into conformity with the federal Controlled Substances Act.

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:

Currently Wisconsin has not scheduled include the following substances:

Schedule I: 2C-C; 2C-D; 2C-E; 2C-H; 2C-I; 2C-N; 2C-P; 2C-T-2; 2C-T-4; AM2201; AM694; JWH-019; JWH-122; JWH-203; JWH-398; SR-18 and RCS-8; SR-19 and RCS-4; and Methylone, 3,4-methylenedioxy-N-methylcathinone, bk-MDMA.

Schedule II: 4-Anilino-N-phenethyl-4-piperidine (also known as ANPP); Oripavine; and Tapentadol.

Schedule III: 19-Nor-4,9(10)-androstadienedione; Boldione; and Desoxymethyltestosterone.

Schedule IV: Carisoprodol and Zopiclone.

Schedule V: Ezogabine or any of its salts, isomers or salts of isomers; and Pregabalin or any of its salts, isomers or salts of isomers.

The addition of these substances in the Wisconsin Controlled Substances Act will create conformity with the federal Controlled Substances Act.

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

961.11(1), Wis Stats. The controlled substances board shall administer this subchapter and may add substances to or delete or reschedule all substances listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20 and 961.22 pursuant to the rule-making procedures in ch. 227.

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

75 hours

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

Police, state courts, pharmacies, and the Controlled Substances Board

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:

The Drug Enforcement Administration (DEA) has scheduled these substances under the federal Controlled Substances Act.

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

Contact Person: Sharon Henes, (608) 261-2377

Board Chair Signature

Date Submitted

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/17/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Wisconsin Controlled Substances Board			
4) Meeting Date: 4/25/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Scope statements for CSB 3 – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p style="text-align: center;">Same as title.</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/8/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: WI Controlled Substances Board			
4) Meeting Date: 4/25/13	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Administrative Rules Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: DSPS staff will appear to discuss the Executive Order 61 directive.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			



EXECUTIVE ORDER # 61

Relating to Job Creation and Small Business Expansion

WHEREAS, creating jobs and growing our state's economy is dependent on a vibrant small business sector; and

WHEREAS, small businesses have generated 64% of net new jobs over the past fifteen years and employ over half of all private sector employees; and

WHEREAS, according to recent U.S. Census data, 86% of Wisconsin business employ fewer than 20 workers, and 74% have ten workers or less; and

WHEREAS, small businesses spend 80% more per worker than large employers to comply with government regulations and, according to a recent National Federation of Independent Business survey of Wisconsin employers, 91% said it was impossible to know about, comply with, and understand all of government's regulations; and

WHEREAS, according to the U.S. Small Business Administration, complying with government regulations costs small businesses \$10,585 per worker, which discourages investment and hiring by small businesses; and

WHEREAS, government regulations are regularly cited as one of the top three concerns for small business growth, according to NFIB's Small Business Optimism Index; and

WHEREAS, 2011 Wisconsin Act 46 strengthened Wisconsin's Small Business Regulatory Review Board (Board) empowering small business owners and giving them the ability to judge the economic impact of government regulation; and

WHEREAS, 2011 Wisconsin Act 46 requires state agencies to submit any rule with an economic impact to the Board for review and allows the Board to suggest changes to the agency that will improve compliance and reduce the rule's burden on small businesses; and

WHEREAS, pursuant to Wis. Stat. § 227.30, the Board has the authority to review rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses to conduct their affairs; and

WHEREAS, state agencies and the Board should not only be reviewing new rules but collaborating to reform existing rules that hinder job creation and small business expansion and that this effort would help further the state's goal of creating 250,000 jobs by 2015.

NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, specifically Wis. Stat. § 227.10(2m), do hereby:

1. Require all state agencies to review 2011 Wisconsin Act 46 to ensure they are in compliance, ready to assist small business owners, and properly submitting any proposed rules with an economic impact to the Board;
2. Require all state agencies to cooperate with the Board to identify existing rules hindering job creation and small business growth;

3. Require all state agencies to work with the Board to recommend changes to these rules that will both reduce their burden on job creators while continuing to comply with the intent of the statutes that created them;
4. Require all state agencies to work with the Board to identify strategies that will increase compliance with existing rules;
5. Request that the Board engage small business owners and their representative organizations to gather input on any rules hindering job growth;
6. Request that the Board provide a report and analysis of these rules, in a manner similar to Wis. Stat. § 227.30(1), to the Governor's Office of Regulatory Compliance and the agency with the authority to amend the rules, which details the rules they have identified for modification.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done in the City of Eau Claire this twenty-second day of February, in the year two thousand twelve.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dan Williams		2) Date When Request Submitted: 4/4/13 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Wisconsin Controlled Substances Board			
4) Meeting Date: 4/25/13	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <p style="text-align: center;">Right the Rules – Discussion and Consideration</p>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p style="color: blue;">Dear Representative Kleefisch,</p> <p style="color: blue;">Please allow me to introduce myself; I am the Chair of the Controlled Substance Board. I understand that as Chair of the Committee on Criminal Justice, you and the committee will be reviewing the administrative code for the Controlled Substance Board as part of the “Right the Rules” project. The Controlled Substance Board has very limited rules, however if there is anything I or the Board can do to assist you, please feel free to contact me.</p> <p style="color: blue;">Doug Englebert, R.Ph. Pharmacy Practice Consultant Division of Quality Assurance Department of Health Services Chair, Controlled Substance Board</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

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