

Notice of Hearing

The Controlled Substances Board announces that it will hold a public hearing on a permanent rule to create CSB 4.40(p) relating to submission of data to the prescription drug monitoring program, at the time and place shown below.

Hearing Information

Date: October 6, 2015

Time: 9:30 a.m.

Location: 1400 East Washington Avenue, Room 121C

Appearances at the Hearing and Submittal of Written Comments

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the hearing to be held at 9:30 a.m. on October 6, 2015 to be included in the record of rule-making proceedings.

The rule may be reviewed and comments made at <http://dsps.wi.gov/Boards-Councils/Rulemaking/Public-Hearing-Comments> no later than October 6, 2015 at 9:30 a.m.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

Eric Esser, (608) 266-2435, Eric.Esser@wisconsin.gov

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CONTROLLED SUBSTANCES BOARD
CONTROLLED SUBSTANCES BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Controlled Substances Board to create CSB 4.04 (p) relating to submission of data to the prescription drug monitoring program.

(Note: Chapter Phar 18 will become Chapter CSB 4 effective October 1, 2015. This proposed rule references the new numbering)

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 961.385(2)(b), Stats.

Statutory authority: s. 961.385, Stats.

Explanation of agency authority: “The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs.” s. 961.385, Stats.

Related statute or rule: ch. CSB 4, Admin. Code

Plain language analysis:

This rule implements 2013 Act 199 requiring the name of the person, either from on the id presented or known by the pharmacist, to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Iowa: Iowa does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Michigan: Michigan does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Minnesota: Minnesota does not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.

Summary of factual data and analytical methodologies:

The methodology was to insert this requirement into the enumeration of required data to be submitted to the prescription drug monitoring program.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for economic comments for 14 days and none were received. Any economic impact resulting from the requirement to submit the name to PDMP is a result of the statutory requirement created by 2013 Act 199.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the hearing to be held at 9:30 a.m. on October 6, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. CSB 4.04 (p) is created to read:

CSB 4.04 (p) The name recorded under s. 450.11(1b)(bm), Stats.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on April 9, 2016.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number CSB 4.04(p) (NOTE: Chapter Phar 18 will be changed to CSB 4 effective October 1, 2015. This EIA reflects that change)	
3. Subject Data Submission to the Prescription Drug Monitoring Program	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
7. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule This rule implements 2013 Act 199 requiring the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.	
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. The proposed rule was posted for economic comments for 14 days.	
11. Identify the local governmental units that participated in the development of this EIA. None.	
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) Any economic impact resulting from the requirement to submit the name to PDMP is a result of the statutory requirement created by 2013 Act 199 and not the impact of the rule.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is the rule would comply with the statute.	
14. Long Range Implications of Implementing the Rule The benefit is the rule would comply with the statute.	
15. Compare With Approaches Being Used by Federal Government None	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Our neighboring states do not require the name of the person to whom a drug is dispensed or delivered to be submitted to the prescription drug monitoring program.	
17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit S. Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **15-070**

AN ORDER to create CSB 4.04 (p), relating to submission of data to the prescription drug monitoring program.

Submitted by **CONTROLLED SUBSTANCES BOARD**

09-03-2015 RECEIVED BY LEGISLATIVE COUNCIL.

10-02-2015 REPORT SENT TO AGENCY.

MSK:MS



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-070

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

The proposed rule creates s. CSB 4.04 (p), Wis. Adm. Code, but this citation is missing a subsection. It appears that the newly created paragraph is intended to be placed in sub. (2). The board should amend the citation in the introductory clause for the proposed rule, in the treatment clause for SECTION 1, and in the text of that section, to include the appropriate subsection. The correct format is “CSB 4.04 (2) (b)”. [s. 1.03 (1), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the Note provided under the caption for the proposed order, a period should be added to the end of the following sentence: “This proposed rule references the new numbering.”.

