



2013 ASSEMBLY BILL 433

October 17, 2013 – Introduced by Representatives KOOYENGA, NYGREN, CRAIG, LEMAHIEU, MARKLEIN, KLEEFISCH, TITTL, PETRYK, BIES, WILLIAMS and STRACHOTA, cosponsored by Senators LASEE, GROTHMAN and COWLES. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 450.19 (1) (a); *to renumber and amend* 450.19 (1) (b) and
2 450.19 (2) (a); *to amend* 15.405 (2) (a), 15.405 (17), 101.983 (title), 101.983 (1)
3 (a), 101.983 (1) (b), 101.983 (1) (c) (intro.), 101.983 (1) (c) 1., 101.983 (1) (c) 2.,
4 101.983 (1) (c) 3., 101.983 (1) (d) (intro.), 101.983 (1) (d) 1., 101.983 (1) (d) 2.,
5 101.983 (2) (a), 101.983 (2) (c), 101.983 (3), 101.984 (3), 101.985 (3), 101.985 (5)
6 (b) 1., 101.985 (5) (b) 2. b., 145.01 (5), 255.35 (1m) (g), 440.03 (13) (c), 440.974
7 (2), 441.01 (4), 441.04, 441.08, 441.10 (1), 441.10 (3) (e), 441.115 (1), 441.12 (2),
8 450.035 (1r), 450.035 (1t), 450.035 (2), 450.035 (2g), 450.05, 450.08 (1), 450.08
9 (2) (a), 450.085 (1), 450.19 (2) (intro.), 450.19 (2) (b), 450.19 (2) (d), 450.19 (2)
10 (f), 450.19 (3) (a), 450.19 (3) (b), 452.01 (4) and 452.14 (4m) (intro.); **to repeal**
11 **and recreate** 101.983 (2) (title); and **to create** 101.983 (4), 440.20 (5), 450.19
12 (2) (a) 2. and 450.19 (2) (a) 3. of the statutes; **relating to:** the authority and
13 responsibilities of the Department of Safety and Professional Services and the
14 various boards under that department, the membership of the Cosmetology

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1 Examining Board, professional licensure of pharmacists, the Pharmacy
2 Examining Board's operation of the prescription drug monitoring program,
3 authorizing the construction, installation, alteration, operation, and inspection
4 of elevators and other similar conveyances, and licensing requirements for
5 elevator mechanics, inspectors, and contractors.

Analysis by the Legislative Reference Bureau**PROFESSIONAL REGULATION**

This bill makes a number of changes to the laws governing professional regulation in Wisconsin, including the following:

1. Under current law, the Department of Safety and Professional Services (DSPS) is required to take the fingerprints of an applicant for a private detective license or a private security permit, an applicant for a juvenile martial arts instructor permit, and a person for whom DSPS conducts an investigation into the person's criminal history. Current law authorizes DSPS to submit the fingerprints to the federal bureau of investigation.

Under the bill, DSPS must also take the fingerprints of an applicant for a real estate appraiser certification or license, and the bill requires DSPS to submit the fingerprints of an applicant for a real estate appraiser certification or license to the federal bureau of investigation.

2. The bill authorizes DSPS or the appropriate board to reprimand a credential holder, or deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department or the appropriate board, within 30 days to a request for information from the department or board in connection with an investigation of alleged misconduct of the credential holder.

3. Under current law, no more than two members of the Cosmetology Examining Board may be affiliated with a cosmetology school. The bill increases that number to four.

4. Current law prohibits the Pharmacy Examining Board from issuing a license to practice pharmacy in this state to a person who is licensed in another state if that person has had a license to practice pharmacy in another state voluntarily surrendered, limited, suspended, or revoked. The bill gives the Pharmacy Examining Board discretion to grant or deny a license to practice pharmacy in this state to such a person.

5. Under current law, a pharmacist may renew his or her license by satisfying certain continuing education requirements and paying the required renewal fee on or before the renewal date. If a pharmacist fails to renew his or her license by the renewal date, the pharmacist may not practice pharmacy unless the pharmacist passes an examination to the satisfaction of the Pharmacy Examining Board.

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The bill authorizes, but does not require, the board to suspend a pharmacist's license if the pharmacist fails to renew his or her license by the renewal date, and the bill authorizes, but does not require, the Pharmacy Examining Board to require the pharmacist to pass an examination to restore the pharmacist's license.

6. Current law requires the Pharmacy Examining Board to establish a prescription drug monitoring program. Under the program, a pharmacist or other practitioner must generate a record documenting the dispensing of each prescription drug that is subject to the program, generally certain controlled substances or other drugs the Pharmacy Examining Board identifies as having a substantial potential for abuse. The pharmacist or practitioner must then deliver that record to the Pharmacy Examining Board.

This bill applies the requirements of the prescription drug monitoring program to pharmacies instead of pharmacists and to any practitioner who dispenses a prescription drug subject to the program outside of a pharmacy. The bill also creates an exemption from the prescription drug monitoring program for a schedule V controlled substance if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less.

BUILDINGS AND SAFETY

This bill contains various changes to current law that governs the construction, installation, alteration, operation, and inspection of elevators and other lifts that move people and things. The changes include the following:

1. Authorizes cities and villages to issue permits to construct, install, or alter elevators and lifts and changes the term used in the statutes for this type of permit from "permit" to "approval."

2. Authorizes cities and villages to issue and renew operating permits for elevators and lifts and to conduct inspections for purposes of issuing and renewing these permits.

3. Changes current law as to when a licensed elevator mechanic or inspector must satisfy the applicable continuing education requirements and eliminates the continuing legal education requirements for elevator contractors.

4. Eliminates the requirement that an elevator inspector hold a certification issued by an entity approved by the American Society of Mechanical Engineers.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 15.405 (2) (a) of the statutes is amended to read:
- 2 15.405 (2) (a) In operation, the examining board shall be divided into an
- 3 architect section, a landscape architect section, an a professional engineer section,
- 4 a designer section and a land surveyor section. Each section shall consist of the 3

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1 members of the named profession appointed to the examining board and 2 public
2 members appointed to the section. The examining board shall elect its own officers,
3 and shall meet at least twice annually.

4 **SECTION 2.** 15.405 (17) of the statutes is amended to read:

5 15.405 (17) COSMETOLOGY EXAMINING BOARD. There is created a cosmetology
6 examining board in the department of safety and professional services. The
7 cosmetology examining board shall consist of 9 members appointed for 4-year terms.
8 Four members shall be licensed aestheticians or cosmetologists, 2 members shall be
9 public members, one member shall be a representative of a private school of
10 cosmetology, one member shall be a representative of a public school of cosmetology
11 and one member shall be a licensed electrologist. ~~Except for the 2-~~ No more than 4
12 ~~members representing schools, no member~~ may be connected with or have any
13 financial interest in a cosmetology school.

14 **SECTION 3.** 101.983 (title) of the statutes is amended to read:

15 **101.983 (title) Conveyance Approvals and permits for conveyances**
16 **required.**

17 **SECTION 4.** 101.983 (1) (a) of the statutes is amended to read:

18 101.983 (1) (a) *Permit Approval required.* No person may construct, install, or
19 alter a conveyance in this state unless an elevator contractor licensed by the
20 department under s. 101.985 (1) has received ~~a permit~~ an approval for the
21 construction, installation, or alteration from the department.

22 **SECTION 5.** 101.983 (1) (b) of the statutes is amended to read:

23 101.983 (1) (b) *Application.* A person applying for ~~a permit~~ an approval under
24 par. (a) shall include, along with the application, copies of specifications and
25 accurately scaled and fully dimensioned plans showing the location of the

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1 construction, installation, or alteration in relation to the plans and elevation of the
2 building; the location of the applicable machinery room, if any, and the equipment
3 to be constructed, installed, or altered; and all structural supporting members
4 relevant to the construction, installation, or alteration, including foundations. The
5 specifications and plans shall be sufficiently complete to illustrate all details of
6 design and construction, installation, or alteration. The application shall specify all
7 materials to be used and all loads to be supported or conveyed. The department may
8 authorize a person to include the application and other information required under
9 this paragraph with any submission required under s. 101.12 (1) to avoid duplicative
10 filing of information.

11 **SECTION 6.** 101.983 (1) (c) (intro.) of the statutes is amended to read:

12 101.983 (1) (c) *Revocation.* (intro.) The department may revoke ~~a permit~~ an
13 approval issued under this subsection if the department finds any of the following:

14 **SECTION 7.** 101.983 (1) (c) 1. of the statutes is amended to read:

15 101.983 (1) (c) 1. That information submitted under par. (b) by the person
16 obtaining the ~~permit~~ approval contains false statements or misrepresentations of
17 material fact.

18 **SECTION 8.** 101.983 (1) (c) 2. of the statutes is amended to read:

19 101.983 (1) (c) 2. That the ~~permit~~ approval was issued in error.

20 **SECTION 9.** 101.983 (1) (c) 3. of the statutes is amended to read:

21 101.983 (1) (c) 3. That the work performed under the ~~permit~~ approval is not
22 consistent with information submitted under par. (b) by the person obtaining the
23 ~~permit~~ approval or is in violation of this subchapter or rules promulgated under this
24 subchapter.

25 **SECTION 10.** 101.983 (1) (d) (intro.) of the statutes is amended to read:

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1 101.983 (1) (d) *Expiration.* (intro.) ~~A permit~~ An approval issued under this
2 subsection expires under any of the following circumstances:

3 **SECTION 11.** 101.983 (1) (d) 1. of the statutes is amended to read:

4 101.983 (1) (d) 1. If the work authorized under the ~~permit~~ approval is not
5 commenced within 6 months after the date on which the ~~permit~~ approval is issued,
6 or within a shorter period of time as specified by the department at the time the
7 ~~permit~~ approval is issued.

8 **SECTION 12.** 101.983 (1) (d) 2. of the statutes is amended to read:

9 101.983 (1) (d) 2. If the work authorized under the ~~permit~~ approval is
10 suspended or abandoned for 60 consecutive days at any time following the
11 commencement of the work, or for a shorter period of time as specified by the
12 department at the time the ~~permit~~ approval is issued.

13 **SECTION 13.** 101.983 (2) (title) of the statutes, as affected by 2013 Wisconsin
14 Act 20, is repealed and recreated to read:

15 101.983 (2) (title) OPERATING PERMITS; INSPECTIONS.

16 **SECTION 14.** 101.983 (2) (a) of the statutes is amended to read:

17 101.983 (2) (a) *Permit* Operating permit required. No person may allow a
18 conveyance to be operated on property owned by the person unless the person has
19 received a permit ~~for the~~ under this subsection from the department that authorizes
20 its operation from the department. ~~The department may not issue a permit required~~
21 ~~under this paragraph until all inspections required under par. (c) are completed.~~

22 **SECTION 15.** 101.983 (2) (c) of the statutes is amended to read:

23 101.983 (2) (c) *Inspections.* The department may not issue or renew a permit
24 for a conveyance under this subsection unless the department has received or an
25 independent inspector has conducted an inspection of the conveyance and has

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1 ~~prepared an inspection report for certifying that the conveyance issued by an~~
2 ~~elevator inspector licensed under s. 101.985 (3) indicating that the conveyance~~
3 ~~complies with this subchapter and any applicable rules promulgated under this~~
4 ~~subchapter. This inspection by the department does not exempt the owner from the~~
5 ~~requirement to ensure that the department receives an inspection report from a~~
6 ~~licensed elevator inspector. Upon performing this inspection, the Any inspection~~
7 ~~under this subsection or sub. (3) shall be performed by an inspector who is licensed~~
8 ~~under s. 101.985 (3).~~

9 ~~(d) Instruction on operation. When issuing or renewing a permit under this~~
10 ~~subsection, the~~ department shall give the owner notice of relevant conveyance safety
11 requirements and shall instruct the owner as to the procedure for obtaining periodic
12 inspections and renewing the permit under which the ~~lift or equipment~~ conveyance
13 is operated.

14 **SECTION 16.** 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20,
15 is amended to read:

16 101.983 (3) INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of
17 a residence may sell or otherwise transfer an individual residential dwelling unit
18 that is served by a dumbwaiter or an elevator unless the owner provides the
19 purchaser or transferee, prior to the sale or transfer of the property, with an
20 inspection report ~~from an elevator inspector licensed under s. 101.985 (3)~~ prepared
21 ~~by the department or an independent inspector~~ that indicates that the dumbwaiter
22 or elevator complies with this subchapter and any applicable rules promulgated
23 under this subchapter.

24 **SECTION 17.** 101.983 (4) of the statutes is created to read:

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1 101.983 (4) MUNICIPALITIES AS AGENTS. The department may appoint a city or
2 village as its agent to do any of the following:

3 (a) Issue approvals under sub. (1) (a).

4 (b) Issue or renew permits under sub. (2) (a).

5 (c) Conduct inspections and prepare inspection reports as provided under sub.
6 (2) (c) and sub. (3).

7 (d) Give notice and provide instruction as required under sub. (2) (d).

8 **SECTION 18.** 101.984 (3) of the statutes is amended to read:

9 101.984 (3) ELEVATOR INSPECTOR. No individual may perform an elevator
10 inspection of a conveyance in this state unless the individual is licensed as an
11 elevator inspector under s. 101.985 (3) and holds a certification as an elevator
12 inspector issued by a person approved by the American Society of Mechanical
13 Engineers.

14 **SECTION 19.** 101.985 (3) of the statutes is amended to read:

15 101.985 (3) ELEVATOR INSPECTOR. The department shall issue an elevator
16 inspector license to each individual who demonstrates to the satisfaction of the
17 department that the individual is adequately qualified and able to provide elevator
18 inspection services of conveyances as required under s. 101.983 (2). The department
19 shall promulgate rules that establish the qualifications required for issuance of an
20 elevator inspector license.

21 **SECTION 20.** 101.985 (5) (b) 1. of the statutes is amended to read:

22 101.985 (5) (b) 1. ~~Except as otherwise provided in this subdivision, an~~ An
23 applicant for renewal of a license under sub. (1), (2) (ab), (ad), or (b), or (3) shall
24 provide to the department a certificate indicating that, during the one-year period
25 ~~before the date on which the applicant's license expires~~ 2-year term of the license,

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1 the applicant has satisfactorily met the education requirements established by rule
2 under subd. 2. ~~If the applicant is not an individual, the certificate shall indicate that~~
3 ~~the education requirements were satisfactorily met by an individual who, as of the~~
4 ~~date of the application, is an agent of the applicant.~~

5 **SECTION 21.** 101.985 (5) (b) 2. b. of the statutes is amended to read:

6 101.985 (5) (b) 2. b. The number of hours of education required ~~on an annual~~
7 basis.

8 **SECTION 22.** 145.01 (5) of the statutes is amended to read:

9 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON-SITE
10 WASTEWATER TREATMENT SYSTEMS. “Governmental unit responsible for the regulation
11 of private on-site wastewater treatment systems” or “governmental unit”, unless
12 otherwise qualified, means the county except that in a county with a population of
13 500,000 750,000 or more these terms mean the city, village or town where the private
14 on-site wastewater treatment system is located.

15 **SECTION 23.** 255.35 (1m) (g) of the statutes is amended to read:

16 255.35 (1m) (g) “School of pharmacy” means a school of pharmacy that is
17 accredited by the American Accreditation Council on Pharmaceutical Education.

18 **SECTION 24.** 440.03 (13) (c) of the statutes is amended to read:

19 440.03 (13) (c) The department shall require an applicant for a private
20 detective license or a private security permit under s. 440.26, an applicant for a
21 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
22 appraiser certification under s. 458.06 or license under s. 458.08, and a person for
23 whom the department conducts an investigation under par. (b), to be photographed
24 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person’s
25 fingerprints. The department of justice may submit the fingerprint cards, and the

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1 department of justice shall submit the fingerprint cards of all applicants for a real
2 estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal
3 bureau of investigation for the purpose of verifying the identity of the persons
4 fingerprinted and obtaining records of their criminal arrests and convictions.

5 **SECTION 25.** 440.20 (5) of the statutes is created to read:

6 440.20 (5) In addition to any grounds for discipline specified in chs. 440 to 480,
7 the department, or the appropriate credentialing board or other board in the
8 department, may reprimand a credential holder, or may deny, limit, suspend, or
9 revoke a credential, if the credential holder fails to respond, to the satisfaction of the
10 department, credentialing board, or other board in the department, within 30 days
11 to a request for information from the department, credentialing board, or other board
12 in the department in connection with an investigation of alleged misconduct of the
13 credential holder.

14 **SECTION 26.** 440.974 (2) of the statutes is amended to read:

15 440.974 (2) The department shall promulgate rules establishing continuing
16 education requirements for individuals registered under this subchapter. The rules
17 promulgated under this subsection shall require the completion of at least ~~20~~ 40
18 hours of continuing education during ~~each calendar year~~ every 2 years.

19 **SECTION 27.** 441.01 (4) of the statutes is amended to read:

20 441.01 (4) The board shall direct that those schools ~~which~~ that qualify be placed
21 on the accredited a list of schools the board has approved for professional nurses or
22 of schools the board has approved for licensed practical nurses on application and
23 proof of qualifications; and shall make a study of nursing education and initiate rules
24 and policies to improve it.

25 **SECTION 28.** 441.04 of the statutes is amended to read:

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1 **441.04 Requisites for examination as a registered nurse.** Any person
2 who has graduated from a high school or its equivalent as determined by the board,
3 does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and
4 111.335, holds a diploma of graduation from ~~an accredited~~ a school of nursing
5 approved by the board or that the board has authorized to admit students pending
6 approval, and, if ~~the~~ that school is located outside this state, submits evidence of
7 general and professional educational qualifications comparable to those required in
8 this state at the time of graduation may apply to the department for licensure by the
9 board as a registered nurse,~~;~~ and upon payment of the fee specified under s. 440.05
10 (1), that person shall be entitled to examination.

11 **SECTION 29.** 441.08 of the statutes is amended to read:

12 **441.08 Temporary permit.** A nurse who has graduated from ~~an accredited~~
13 a school approved by the board or that the board has authorized to admit students
14 pending approval but who is not licensed in this state may be granted a temporary
15 permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for
16 compensation until the nurse can qualify for licensure. The temporary permit may
17 be renewed once. Each applicant for renewal of a temporary permit under this
18 section shall complete the nursing workforce survey and pay the fee required under
19 s. 441.01 (7). Further renewals may be granted in hardship cases. The board may
20 promulgate rules limiting the use and duration of temporary permits and providing
21 for revocation of temporary permits.

22 **SECTION 30.** 441.10 (1) of the statutes is amended to read:

23 **441.10 (1) PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES.** A
24 person who is 18 years of age or older, does not have an arrest or conviction record,
25 subject to ss. 111.321, 111.322 and 111.335, has completed 2 years of high school or

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1 its equivalent as determined by the board, and holds a diploma of graduation from
2 an accredited a school for licensed practical nurses approved by ~~that~~ the board or that
3 the board has authorized to admit students pending approval, may apply to the board
4 for licensing as a licensed practical nurse; and, upon payment of the examination
5 fee specified in s. 440.05 (1), that person shall be entitled to take an examination.
6 Any school for licensed practical nurses, in order to be accredited approved by the
7 board, must offer a course of not less than 9 months.

8 **SECTION 31.** 441.10 (3) (e) of the statutes is amended to read:

9 441.10 (3) (e) The board may grant a temporary permit to a practical nurse who
10 has graduated from an accredited a school approved by the board or that the board
11 has authorized to admit students pending approval but who is not licensed in this
12 state, upon payment of the fee specified in s. 440.05 (6), to practice for compensation
13 until the practical nurse qualifies for licensure. The board may grant further
14 renewals in hardship cases. The board may promulgate rules limiting the use and
15 duration of temporary permits and providing for revocation of temporary permits.

16 **SECTION 32.** 441.115 (1) of the statutes is amended to read:

17 441.115 (1) This chapter shall may not be construed to affect nursing by
18 friends, members of the family, or undergraduates in an accredited a school approved
19 by the board, nor be construed to interfere with members of religious communities
20 or orders having charge of hospitals or taking care of the sick in their homes, except
21 that none of such ~~excepted~~ those persons ~~while engaged in such activities shall~~ may
22 represent himself or herself as a registered, trained, certified, or graduate nurse
23 unless registered under this subchapter.

24 **SECTION 33.** 441.12 (2) of the statutes is amended to read:

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1 441.12 (2) No person shall may operate in this state a school for professional
2 nurses or a school for practical nurses unless the ~~same shall be accredited~~ school is
3 approved by the board. No solicitation shall may be made in this state of the sale of,
4 or registration in, a course by correspondence or conducted ~~without~~ outside of the
5 state for practical nurses unless all written material used in such the solicitation
6 plainly states in type as large as any other type on the material that the course is not
7 ~~accredited in this state~~ approved by the board for training of practical nurses.

8 **SECTION 34.** 450.035 (1r) of the statutes is amended to read:

9 450.035 (1r) A pharmacist may not administer by injection a prescribed drug
10 product or device unless he or she has successfully completed a course of study and
11 training in injection technique conducted by a course provider approved by the
12 American Accreditation Council on Pharmaceutical Education or the board. A
13 pharmacist may administer a prescribed drug product or device under this
14 subsection only in the course of teaching self-administration techniques to a patient.
15 A pharmacist who administers a prescribed drug product or device under this
16 subsection shall comply with the requirements and procedures established in rules
17 promulgated by the board under s. 450.02 (2g) (b).

18 **SECTION 35.** 450.035 (1t) of the statutes is amended to read:

19 450.035 (1t) A person engaged in the practice of pharmacy under s. 450.03 (1)
20 (f) or (g) may not administer a prescribed drug product or device unless he or she has
21 successfully completed a course of study and training in administration technique
22 conducted by a course provider approved by the American Accreditation Council on
23 Pharmaceutical Education or the board. A person engaged in the practice of
24 pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or
25 device under this subsection only under the direct supervision of a pharmacist who

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1 has successfully completed a course of study and training in administration
2 technique conducted by a course provider approved by the American Accreditation
3 Council on Pharmaceutical Education or the board, and only in the course of teaching
4 self-administration techniques to a patient. A person engaged in the practice of
5 pharmacy under s. 450.03 (1) (f) or (g) who administers a prescribed drug product or
6 device under this subsection shall comply with the requirements and procedures
7 established in rules promulgated by the board under s. 450.02 (2g) (b).

8 **SECTION 36.** 450.035 (2) of the statutes is amended to read:

9 450.035 (2) A pharmacist may not administer a vaccine unless he or she has
10 successfully completed 12 hours in a course of study and training, approved by the
11 American Accreditation Council on Pharmaceutical Education or the board, in
12 vaccination storage, protocols, administration technique, emergency procedures,
13 and record keeping and has satisfied the requirements specified in sub. (2t). A
14 pharmacist may not administer a vaccine under this subsection to a person who is
15 under the age of 6.

16 **SECTION 37.** 450.035 (2g) of the statutes is amended to read:

17 450.035 (2g) A person engaged in the practice of pharmacy under s. 450.03 (1)
18 (f) or (g) may not administer a vaccine unless he or she acts under the direct
19 supervision of a pharmacist and he or she and the supervising pharmacist have
20 successfully completed 12 hours in a course of study and training, approved by the
21 American Accreditation Council on Pharmaceutical Education or the board, in
22 vaccination storage, protocols, administration technique, emergency procedures,
23 and record keeping and the supervising pharmacist has satisfied the requirements
24 specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03

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1 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is
2 under the age of 18.

3 **SECTION 38.** 450.05 of the statutes is amended to read:

4 **450.05 Pharmacist licensed in other state; licensure.** The board may,
5 upon application and payment of the fee specified in s. 440.05 (2), license as a
6 pharmacist any person who is licensed in another state if the person produces
7 satisfactory evidence of having met requirements comparable to those that existed
8 in this state at the time the person became licensed in the other state. The board
9 ~~shall not~~ may deny a license as a pharmacist under this section to any person whose
10 license to practice pharmacy in another state has been voluntarily surrendered,
11 limited, suspended, or revoked. The board may require an applicant under this
12 section to pass an equivalency examination administered by the board. If the board
13 requires an equivalency examination, any person licensed as a pharmacist in
14 another state who is engaged in the active practice of pharmacy may only be required
15 to pass an examination on state and federal laws, rules, and regulations.

16 **SECTION 39.** 450.08 (1) of the statutes is amended to read:

17 450.08 (1) The renewal date for all licenses granted by the board is specified
18 under s. 440.08 (2) (a). ~~Only~~ Except as provided under sub. (2) (a), only a holder of
19 an unexpired license may engage in his or her licensed activity.

20 **SECTION 40.** 450.08 (2) (a) of the statutes is amended to read:

21 450.08 (2) (a) A pharmacist's license may be renewed by complying with
22 continuing education requirements under s. 450.085 and paying the applicable fee
23 determined by the department under s. 440.03 (9) (a) on or before the applicable
24 renewal date specified under s. 440.08 (2) (a). ~~Failure~~ Notwithstanding s. 440.08 (3)
25 (a), if a pharmacist fails to obtain renewal ~~within the time period specified under this~~

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1 ~~paragraph terminates the right of the person to be licensed as a pharmacist by that~~
2 ~~date, the board may suspend the pharmacist's license, and such right can only be~~
3 ~~acquired by passing~~ the board may require the pharmacist to pass an examination
4 to the satisfaction of the board to restore that license.

5 **SECTION 41.** 450.085 (1) of the statutes is amended to read:

6 450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall
7 submit proof that he or she has completed, within the 2-year period immediately
8 preceding the date of his or her application, 30 hours of continuing education in
9 courses conducted by a provider that is approved by the American Accreditation
10 Council on Pharmaceutical Education or in courses approved by the board. Courses
11 specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes
12 of this subsection. This subsection does not apply to an applicant for renewal of a
13 license that expires on the first renewal date after the date on which the board
14 initially granted the license.

15 **SECTION 42.** 450.19 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 3,
16 is renumbered 450.19 (1) (ar).

17 **SECTION 43.** 450.19 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 3,
18 is renumbered 450.19 (1) (ag) and amended to read:

19 450.19 (1) (ag) "Prescription Monitored prescription drug" means a substance
20 identified in s. 961.16 ~~or~~, 961.18, 961.20, or 961.22 or a drug identified by the board
21 by rule as having a substantial potential for abuse.

22 **SECTION 44.** 450.19 (2) (intro.) of the statutes is amended to read:

23 450.19 (2) (intro.) The board shall establish by rule a program for monitoring
24 the dispensing of monitored prescription drugs. The program shall do all of the
25 following:

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1 **SECTION 45.** 450.19 (2) (a) of the statutes is renumbered 450.19 (2) (a) (intro.)
2 and amended to read:

3 450.19 (2) (a) (intro.) Require a ~~pharmacist~~ pharmacy or a practitioner to
4 generate a record documenting each dispensing of a monitored prescription drug at
5 the pharmacy or, if the monitored prescription drug is not dispensed at a pharmacy,
6 by the practitioner and to deliver the record to the board, except that the program
7 may not require the generation of a record ~~when a~~ in any of the following
8 circumstances:

9 1. A monitored prescription drug is administered directly to a patient.

10 **SECTION 46.** 450.19 (2) (a) 2. of the statutes is created to read:

11 450.19 (2) (a) 2. A monitored prescription drug is compounded, packaged, or
12 labeled in preparation for delivery but is not delivered.

13 **SECTION 47.** 450.19 (2) (a) 3. of the statutes is created to read:

14 450.19 (2) (a) 3. The prescription order is for a monitored prescription drug that
15 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined
16 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
17 to last the patient 7 days or less.

18 **SECTION 48.** 450.19 (2) (b) of the statutes is amended to read:

19 450.19 (2) (b) Identify specific data elements to be contained in a record
20 documenting the dispensing of a monitored prescription drug. In identifying specific
21 data elements, the board shall consider data elements identified by similar programs
22 in other states and shall ensure, to the extent possible, that records generated by the
23 program are easily shared with other states.

24 **SECTION 49.** 450.19 (2) (d) of the statutes is amended to read:

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1 450.19 (2) (d) Specify a secure electronic format for delivery of a record
2 generated under the program and authorize the board to grant a ~~pharmacist~~
3 pharmacy or practitioner a waiver of the specified format.

4 **SECTION 50.** 450.19 (2) (f) of the statutes is amended to read:

5 450.19 (2) (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
6 promulgated under this subsection.

7 **SECTION 51.** 450.19 (3) (a) of the statutes is amended to read:

8 450.19 (3) (a) A pharmacy, pharmacist, or practitioner is immune from civil or
9 criminal liability or professional discipline arising from the pharmacy's,
10 pharmacist's, or practitioner's compliance in good faith with this section or with rules
11 promulgated under this section.

12 **SECTION 52.** 450.19 (3) (b) of the statutes is amended to read:

13 450.19 (3) (b) Nothing in this section may be construed to require a pharmacy,
14 pharmacist, or practitioner to obtain, before prescribing or dispensing a monitored
15 prescription drug to a patient, information about the patient that has been collected
16 pursuant to the program ~~described~~ established under sub. (2).

17 **SECTION 53.** 452.01 (4) of the statutes is amended to read:

18 452.01 (4) "Disciplinary proceeding" means a proceeding against one or more
19 licensees or registrants in which the board may revoke, suspend, or limit a license
20 or registration, reprimand a licensee or registrant, ~~issue a private letter of warning~~
21 ~~to a licensee or registrant~~, or assess a forfeiture or require education or training
22 under s. 452.14 (4m).

23 **SECTION 54.** 452.14 (4m) (intro.) of the statutes is amended to read:

