



CONTROLLED SUBSTANCES BOARD

Contact: Dan Williams (608) 266-2112
Room 121A, 1400 East Washington Avenue, Madison
March 24, 2015

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.

AGENDA

9:30 A.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of December 18, 2014 (4-5)**
- C. Administrative Matters (6-8)**
 - 1) Staff Updates
 - 2) Elections of Officers
 - 3) Appointment of Liaisons and Delegation of Authority
- D. Legislation and Rule Matters – Discussion and Consideration (9-21)**
 - 1) Clearinghouse Report on CR 15- 007 Relating to Hydrocodone Combination Products **(10-12)**
 - 2) Clearinghouse Report on CR 15-008 Relating to Tramadol **(13-15)**
 - 3) Clearinghouse Report on CR 15-009 Relating to Suvorexant **(16-18)**
 - 4) Affirmative Action to Delete Naloxegol from Schedule II **(19-21)**
 - 5) Proposed CSB 3 Modification Relating to Special Use Authorization
 - 6) Update on Legislation and Possible or Pending Rule-Making Projects
- E. PDMP Update – Discussion and Consideration (22-30)**
- F. Board Goals – Discussion and Consideration (31)**
- G. Informational Items – Discussion and Consideration**
 - 1) Attorney General’s Announcement on Drug Disposal Programs **(32)**
 - 2) Prescription Drug Abuse Presentation **(33)**
 - 3) Update on the National Governors Association (NGA)
 - 4) SCAODA Report
 - 5) Update on Cannabidiol (CBD)

H. Discussion and Consideration of 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 Final Decision and Order(s)
- 5) Informational Item(s)
- 6) DLSC Matters
- 7) Status of Statute and Administrative Rule Matters
- 8) Education and Examination Matters
- 9) Credentialing Matters
- 10) Practice Questions
- 11) Legislation / Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Speaking Engagement(s), Travel, or Public Relations Request(s)
- 14) Consulting with Legal Counsel

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.).

J. **Credentialing Matters**

- 1) APPEARANCE - Jessiffany Canine Services LLC – Application Review **(34-68)**

K. **Case Closures**

L. **Case Status Report (69)**

M. Deliberation of Items Received After Preparation of the Agenda

- 1) Professional Assistance Procedure (PAP)
- 2) Monitoring Matters
- 3) Administrative Warnings
- 4) Review of Administrative Warning
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Proposed Final Decisions and Orders
- 7) Orders Fixing Costs/Matters Related to Costs
- 8) Petitions for Summary Suspension
- 9) Petitions for Re-hearings
- 10) Complaints
- 11) Examination Issues
- 12) Credential Issues
- 13) Appearances from Requests Received or Renewed
- 14) Motions
- 15) Consulting with Legal Counsel

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION
Voting on Items Considered or Deliberated on in Closed Session, If Voting is Appropriate

ADJOURNMENT

The next scheduled meeting is July 21, 2015.

**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
December 18, 2014**

PRESENT: Yvonne Bellay, Alan Bloom, Doug Englebert, Martin Koch (*excused at 10:02 a.m.*), Franklin LaDien, Gunnar Larson

STAFF: Dan Williams, Executive Director; Kimberly Wood, Bureau Assistant; Sharon Henes, Administrative Rules Coordinator; and other DSPS Staff

CALL TO ORDER

Doug Englebert called the meeting to order at 9:01 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Alan Bloom moved, seconded by Franklin LaDien, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

March 4, 2014 and October 7, 2014

MOTION: Franklin LaDien moved, seconded by Gunnar Larson, to adopt the minutes of March 4, 2014 and October 7, 2014 as published. Motion carried unanimously.

LEGISLATION AND RULE MATTERS

CSB 2.36, Wis. Admin Code, Relating to Scheduling Tramadol

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to approve the creation of s. CSB 2.36, Wis. Admin Code, relating to scheduling Tramadol, as amended, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CSB 2.37, Wis. Admin. Code, Relating to Rescheduling Hydrocodone Combination Products

MOTION: Franklin LaDien moved, seconded by Alan Bloom, to approve the creation of s. CSB 2.37, Wis. Admin. Code, relating to rescheduling Hydrocodone combination products, as amended, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CSB 2.37, Wis. Admin. Code, Relating to Scheduling Suvorexant

MOTION: Gunnar Larson moved, seconded by Martin Koch, to approve the creation of s. CSB 2.37, Wis. Admin. Code, relating to scheduling Suvorexant, as amended, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

(Martin Koch was excused from the meeting at 10:02 a.m.)

CLOSED SESSION

MOTION: Yvonne Bellay moved, seconded by Franklin LaDien, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.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.). Doug Englebort, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Yvonne Bellay-yes, Alan Bloom-yes, Doug Englebort-yes, Franklin LaDien-yes, Gunnar Larson-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:02 a.m.

RECONVENE TO OPEN SESSION

MOTION: Gunnar Larson moved, seconded by Alan Bloom, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:54 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Franklin LaDien moved, seconded by Gunnar Larson, to affirm all motions made in closed session. Motion carried unanimously.

CREDENTIALING MATTERS

Application Reviews

Humane Society of Barron County

MOTION: Franklin LaDien moved, seconded by Gunnar Larson, to deny the application for a Special Use Authorization (SUA) to the Humane Society of Barron County. The Board instead grants a limited SUA with terms to be approved by the Board's designee. Motion carried unanimously.

ADJOURNMENT

MOTION: Yvonne Belly moved, seconded by Alan Bloom, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:56 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Madison-Head – Bureau Assistant		2) Date When Request Submitted: 02/18/15 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 03/24/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? C. Administrative Matters 1) Staff Updates 2) Elections of Officers 3) Appointment of Liaisons and Delegated Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	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: N/A	
10) Describe the issue and action that should be addressed: Board is to Elect Officers, Have the Chair Appoint Liaisons, and do Delegations of Authority.			
11) Authorization			
<i>Nilajah Madison-Head</i>		<i>02/18/15</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	
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.			

2014 OFFICER ELECTION RESULTS	
Board Chair	Doug Englebert
Vice Chair	Alan Bloom
Secretary	Yvonne Bellay

2014 LIAISON APPOINTMENTS	
SUA Liaisons	Alan Bloom, Yvonne Bellay
SCAODA Liaison	Doug Englebert
Legislative Liaison	Doug Englebert (Alternate: Martin Koch)

DELEGATION OF AUTHORITY

MOTION: Franklin LaDien moved, seconded by Martin Koch, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Yvonne Bellay moved, seconded by Franklin LaDien, 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. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Franklin LaDien, to authorize the SUA liaisons to review and make approval decisions regarding SUA applications. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Martin Koch, to authorize the SUA liaisons to approve required training or credentialing on behalf of the Board. Motion carried unanimously.

MOTION: Yvonne Bellay moved, seconded by Franklin LaDien, to delegate authority to the Legislative Liaison(s) to address Board issues related to legislative matters excluding media requests. Motion carried unanimously.

MOTION: Franklin LaDien moved, seconded by Alan Bloom, to authorize the SCAODA liaison to vote on behalf of the Board at the State Council on Alcohol and Other Drug Abuse meetings. Motion carried unanimously.

MOTION: moved, seconded by , that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code SPS § 1.08(1). Motion carried unanimously.

Wis. Admin. Code SPS § 1.08(1)

REVIEW OF REQUEST FOR HEARING. Within 45 calendar days of receipt of a request for hearing, the credentialing authority or its designee shall grant or deny the request for a hearing on a denial of a credential or on a determination of cheating on an examination or a determination of breach of examination security. A request shall be granted if requirements in s. [SPS 1.07](#) are met, and the credentialing authority or its designee shall notify the applicant of the time, place and nature of the hearing. If the requirements in s. [SPS 1.07](#) are not met, a hearing shall be denied, and the credentialing authority or its designee shall inform the applicant in writing of the reason for denial. For purposes of a petition for review under s. [227.52](#), Stats., a request is denied if a response to a request for hearing is not issued within 45 calendar days of its receipt by the credentialing authority.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 10 March 2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Controlled Substances Board			
4) Meeting Date: 24 March 2015	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Clearinghouse Report on CR 15-007 relating to hydrocodone combination products 2. Clearinghouse Report on CR 15-008 relating to tramadol 3. Clearinghouse Report on CR 15-009 relating to Suvorexant 4. Affirmative Action to delete Naloxegol from Schedule II. 5. Proposed CSB 3 modification relating to Special Use Authorization 6. Update on Pending and Possible Rule-making Projects	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council 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 **15-007**

AN ORDER to create CSB 2.37, relating to rescheduling hydrocodone combination products.

Submitted by **CONTROLLED SUBSTANCES BOARD**

01-28-2015 RECEIVED BY LEGISLATIVE COUNCIL.

02-24-2015 REPORT SENT TO AGENCY.

SG:BL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

CLEARINGHOUSE RULE 15-007

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.]

1. Statutory Authority

In the rule summary’s listing of statutory authority and the explanation of agency authority, the citations to s. 961.11 (2), Stats., should be removed. If no objections were received to the affirmative action order, as stated in the rule summary’s plain language analysis, then s. 961.11 (4), Stats., is the proper, sole authority for this proposed rule. That section is already listed and explained in the rule summary’s listing of statutory authority and the explanation of agency authority.

2. Form, Style and Placement in Administrative Code

a. In the rule summary’s section for related statutes or rules, a description should be entered. Alternatively, in the rule summary, if there is no information under a particular heading, the heading should be included and the text should state that there is no information. [s. 1.02 (2) (a), Manual.]

b. In SECTION 1 of the proposed rule, the section numbering shown in the treatment clause should be corrected from CSB “2.36” to CSB “2.37”.

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

In the rule summary’s description of federal regulation, a reference to the “Department of Justice” should replace the reference to the “Food and Drug Administration”.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

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CLEARINGHOUSE RULE **15-008**

AN ORDER to create CSB 2.36, relating to scheduling tramadol as a schedule IV controlled substance.

Submitted by **CONTROLLED SUBSTANCES BOARD**

01-28-2015 RECEIVED BY LEGISLATIVE COUNCIL.

02-17-2015 REPORT SENT TO AGENCY.

JKR:MQ

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

CLEARINGHOUSE RULE 15-008

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

a. In the rule summary, if there is no information under a particular heading, the heading should be included and the text should state that there is no information (e.g., related statute or rule). [s. 1.02 (2) (a), Manual.]

b. In SECTION 1 of the rule, the word “Section” should be used before the clause “961.20 (4) (e) Tramadol, including any of its isomers and salts of isomers”.



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

CLEARINGHOUSE REPORT TO AGENCY

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CLEARINGHOUSE RULE 15-009

AN ORDER to create CSB 2.38, relating to scheduling Suvorexant as a schedule IV controlled substance.

Submitted by **CONTROLLED SUBSTANCES BOARD**

01-28-2015 RECEIVED BY LEGISLATIVE COUNCIL.

02-18-2015 REPORT SENT TO AGENCY.

SG:MSK

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

CLEARINGHOUSE RULE 15-009

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.]

1. Statutory Authority

In the rule summary’s listing of statutory authority and the explanation of agency authority, the citations to s. 961.11 (2), Stats., should be removed. If no objections were received to the affirmative action order, as stated in the rule summary’s plain language analysis, then s. 961.11 (4), Stats., is the proper, sole authority for this proposed rule. That section is already listed and explained in the rule summary’s listing of statutory authority and the explanation of agency authority.

2. Form, Style and Placement in Administrative Code

a. In the rule summary’s section for related statutes or rules, a description should be entered.

b. In SECTION 1 of the proposed rule, the section numbering shown in the treatment clause and the text of the rule should be corrected from CSB “2.36” to CSB “2.38”.

c. In the title for s. CSB 2.36 [sic], the word “suvorexant” should not be capitalized. [s. 1.05 (2) (b), Manual.]

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

In the rule summary’s description of federal regulation, a reference to the “Department of Justice” should replace the reference to the “Food and Drug Administration”.

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On January 23, 2015, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing naloxegol from schedule II of the federal Controlled Substances Act. The scheduling action is effective January 23, 2015.
2. The Controlled Substances Board did not receive an objection to similarly removing naloxegol from schedule II under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order removing naloxegol as a controlled substance.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.16 and omitting the notice of proposed rule making, removing naloxegol as a controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats naloxegol under chapter 961, Stats. by creating the following:

CSB 2.38 Removal of naloxegol. Section 961.16(2)(a)(intro), Stats., is amended to read:
961.16(2)(a)(intro)Opium and substances derived from opium, and any salt, compound, derivative or preparation of opium or substances derived from opium. Apomorphine, dextrorphan, nalbuphine, butorphanol, nalmefene, naloxegol, naloxone and naltrexone and their respective salts and the isoquinoline alkaloids of opium and their respective salts are excluded from this paragraph. The following substances, and any of their salts, isomers and salts of isomers that are theoretically possible within the specific chemical designation, are included in this paragraph:

This order shall take effect on April 1, 2015 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated _____

Doug Englebort, Chair
Controlled Substances Board

STATEMENT OF SCOPE

CONTROLLED SUBSTANCES BOARD

Rule No.: CSB 2

Relating to: Removing naloxegol as a controlled substance

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 of the proposed rule is remove naloxegol as a controlled substance

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:

On January 23, 2015, the U.S. Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing naloxegol from the federal Controlled Substances Act. The scheduling action was effective January 23, 2015. The Controlled Substances Board did not receive an objection to similarly remove naloxegol from schedule II under ch. 961, Stats within 30 days of the date of publication in the federal register of the final order removing naloxegol as a controlled substance.

Pursuant to s. 961.11(4), Stats, the Controlled Substances Board took affirmative action to similarly treat hydrocodone combination products under chapter 961, Stats. by creating the following:

CSB 2.38 Removal of naloxegol.

Sections 961.16(2)(a)(intro) is amended to read:

961.16(2)(a)(intro) Opium and substances derived from opium, and any salt, compound, derivative or preparation of opium or substances derived from opium. Apomorphine, dextrophan, nalbuphine, butorphanol, nalmefene, naloxegol, naloxone and naltrexone and their respective salts and the isoquinoline alkaloids of opium and their respective salts are excluded from this paragraph. The following substances, and any of their salts, isomers and salts of isomers that are theoretically possible within the specific chemical designation, are included in this paragraph:

The Affirmative Action order, dated March 24, 2015, will take effect on April 1, 2015 to allow for publication in the Administrative Register and expires upon promulgation of a final rule.

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

961.11(2) After considering the factors enumerated in sub. (1m), the controlled substances board shall make findings with respect to them and promulgate a rule controlling the substance upon finding that the substance has a potential for abuse.

961.11(4) If a substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the controlled substances board, the board by affirmative action shall similarly treat the substance under this chapter after the expiration of 30 days from the date of publication in the federal register of a final order designating the substance as a controlled substance or rescheduling or deleting the substance or from the date of issuance of an order of temporary scheduling under 21 USC 811 (h), unless within that 30-day period, the board or an interested party objects to the treatment of the substance. If no objection is made, the board shall promulgate, without making the determinations or findings required by subs. (1), (1m), (1r) and (2) or s. 961.13, 961.15, 961.17, 961.19 or 961.21, a final rule, for which notice of proposed rulemaking is omitted, designating, rescheduling,

temporarily scheduling or deleting the substance. If an objection is made the board shall publish notice of receipt of the objection and the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall make a determination with respect to the treatment of the substance as provided in subs. (1), (1m), (1r) and (2) and shall publish its decision, which shall be final unless altered by statute. Upon publication of an objection to the treatment by the board, action by the board under this chapter is stayed until the board promulgates a rule under sub. (2).

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

25 hours

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

Pharmacists, prescribers, courts, police 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:

On January 23, 2015, the United States Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register removing naloxegol from schedule II of the federal Controlled Substances Act. The scheduling action was effective January 23, 2015.

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. It is not likely to have a significant economic impact on small businesses.

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

Chair

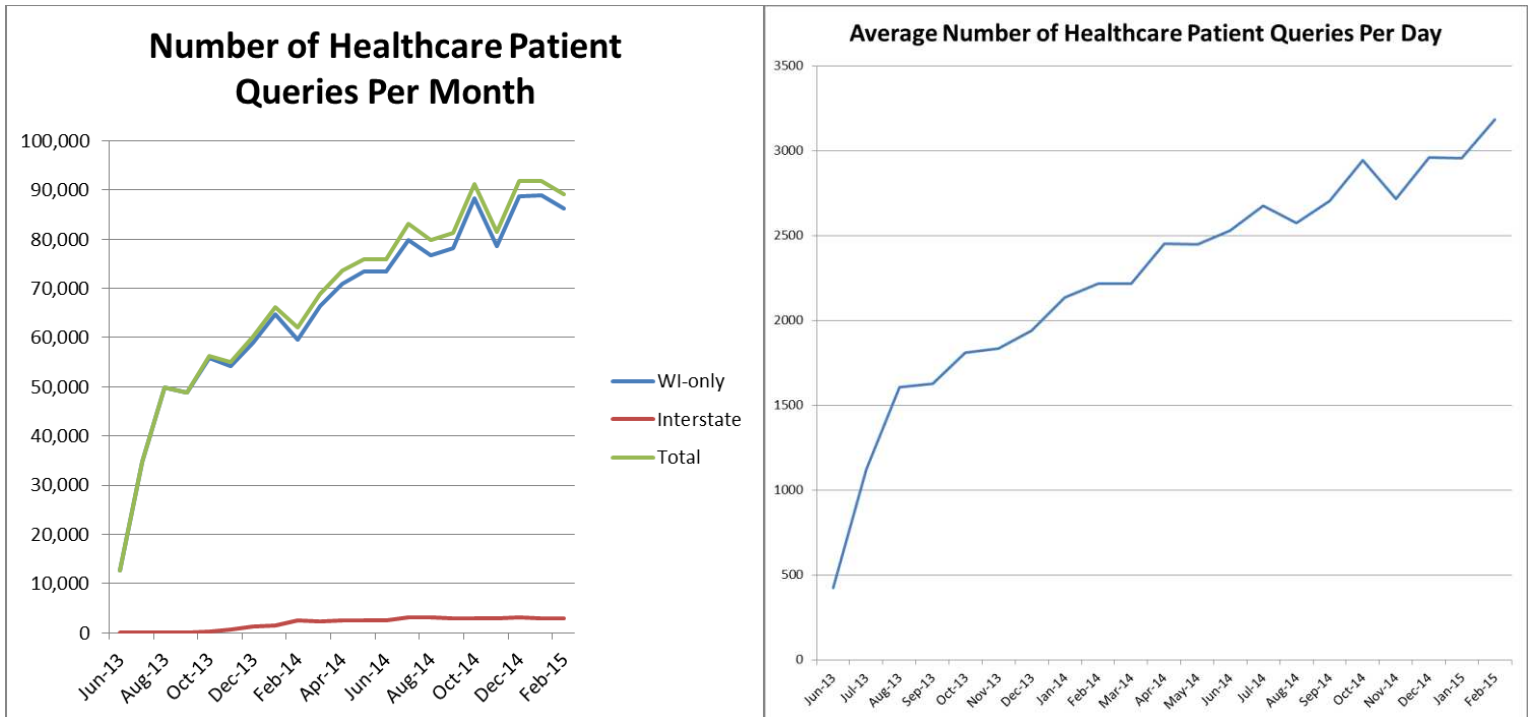
Date Submitted



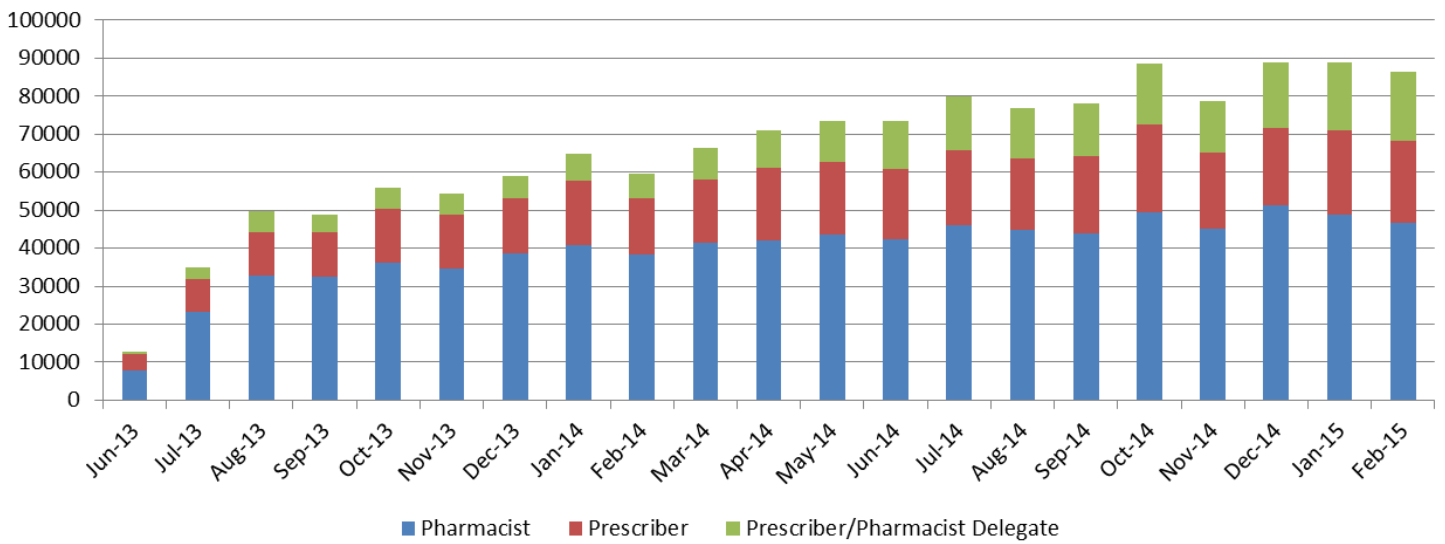
Operational Statistics of the WI PDMP

Compiled on March 10, 2015

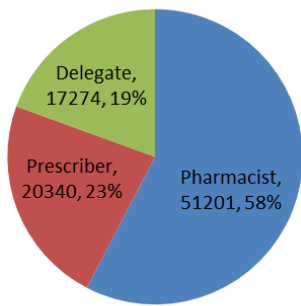
- Approximately 23.6 million R_x records in the database
- Approximately 1,800 dispensers actively submitting data
- Approximately 11,000 healthcare users have query accounts
- Healthcare users have created over 1.4 million recipient queries since June 1, 2013
 - In addition, healthcare users have created over 41,000 interstate queries since October 1, 2013
- Healthcare Users have initiated approximately 1,000 PDMP Alerts since July 1, 2013



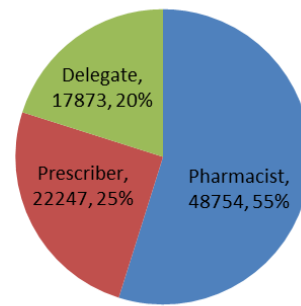
Recipient Queries Performed by User Group



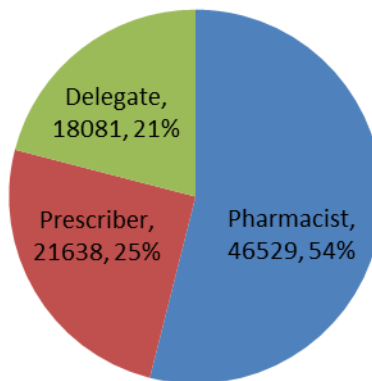
December 2014 Recipient Queries



January 2015 Recipient Queries



February 2015 Recipient Queries



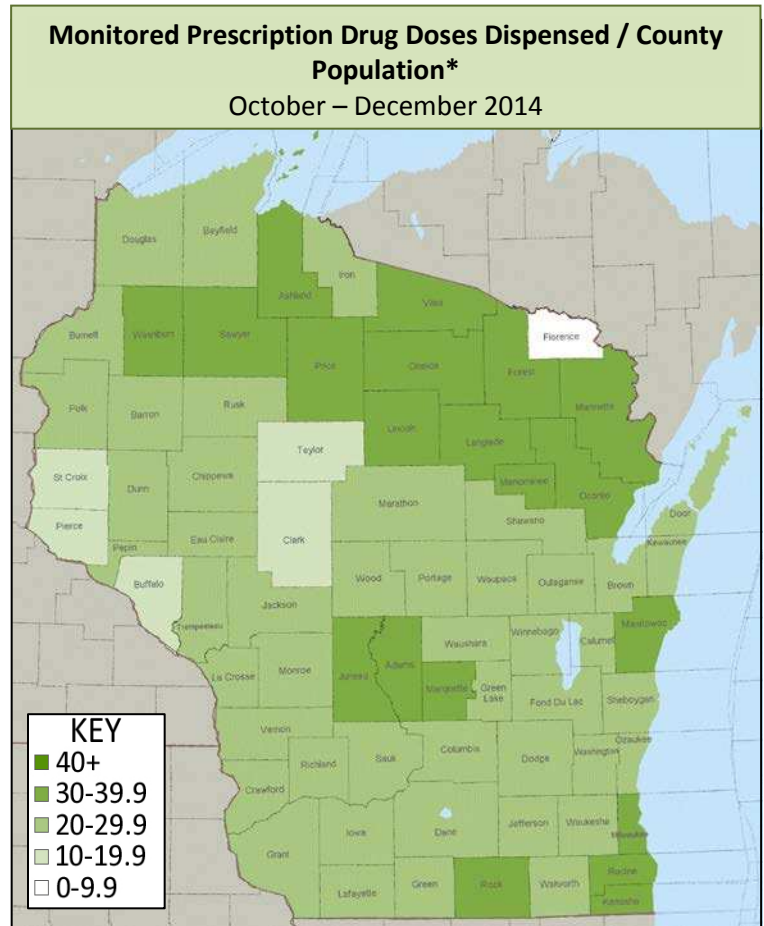


Scott Walker, Governor
 Dave Ross, Secretary

OCTOBER 1 – DECEMBER 31, 2014 STATISTICS SHEET #8

PDMP Operations			
	October – December 2014	2014 YTD	Since January 2013
# of Dispensers	1,743	2,084	2,606
# of Prescriptions	2,674,906	10,864,255	21,539,396
Quantity Dispensed	163,438,835	12,890,564,751	454,826,667,446
Estimated Days Supply	58,767,253	237,845,332	470,226,540

Top 15 Monitored Prescription Drug Prescriptions October – December 2014		
Drug Name	Number of Prescriptions	Percent of MPPD Prescriptions
HYDROCODONE/ACETAMINOPHEN	461,498	17.25%
DEXTROAMPHETAMINE/AMPHETAMINE	205,086	7.67%
TRAMADOL HCL	197,493	7.38%
OXYCODONE HCL	192,436	7.19%
ALPRAZOLAM	180,464	6.75%
LORAZEPAM	178,444	6.67%
OXYCODONE HCL/ACETAMINOPHEN	161,887	6.05%
ZOLPIDEM TARTRATE	155,002	5.79%
CLONAZEPAM	146,099	5.46%
METHYLPHENIDATE HCL	101,744	3.80%
MORPHINE SULFATE	77,310	2.89%
DIAZEPAM	72,643	2.72%
ACETAMINOPHEN WITH CODEINE	60,696	2.27%
LISDEXAMFETAMINE DIMESYLATE	57,779	2.16%
PREGABALIN	53,387	2.00%



County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population	County	Doses Dispensed / County Population
Adams	36.47	Dane	24.64	Iowa	25.55	Marathon	26.07	Polk	24.39	Taylor	17.97
Ashland	32.05	Dodge	29.36	Iron	21.71	Marinette	30.25	Portage	25.00	Trempealeau	26.66
Barron	24.73	Door	28.81	Jackson	29.01	Marquette	33.90	Price	30.21	Vernon	26.99
Bayfield	25.04	Douglas	28.23	Jefferson	27.96	Menominee	38.43	Racine	37.61	Vilas	38.09
Brown	26.94	Dunn	23.19	Juneau	35.00	Milwaukee	32.82	Richland	26.18	Walworth	27.51
Buffalo	17.94	Eau Claire	26.50	Kenosha	32.07	Monroe	29.37	Rock	31.92	Washburn	34.82
Burnett	26.97	Florence	7.89	Kewaunee	23.32	Oconto	32.61	Rusk	24.26	Washington	27.40
Calumet	22.82	Fond Du Lac	27.34	La Crosse	27.66	Oneida	31.54	Sauk	29.23	Waukesha	27.87
Chippewa	27.41	Forest	35.59	Lafayette	21.97	Outagamie	24.34	Sawyer	33.15	Waupaca	28.36
Clark	19.85	Grant	21.55	Langlade	34.82	Ozaukee	28.23	Shawano	27.69	Wausara	29.83
Columbia	29.73	Green	27.02	Lincoln	30.37	Pepin	20.56	Sheboygan	29.48	Winnebago	27.80
Crawford	25.33	Green Lake	29.98	Manitowoc	35.32	Pierce	14.12	St. Croix	19.13	Wood	28.59



2015 SENATE BILL 21

February 3, 2015 – Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Scott Walker. Referred to Joint Committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2015 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2015–2017 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2015–2017 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration’s publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau’s summary document, and the Legislative Reference Bureau’s drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

SENATE BILL 21

12. A program to award grants to a nonprofit organization to provide education on hunting, fishing, and trapping and to establish programs to recruit persons to engage in those activities.

13. A program to award grants to promote the safe operation of all-terrain vehicles.

RETIREMENT AND GROUP INSURANCE

Currently, state employees may receive health care coverage under Group Insurance Board plans and qualify for employer contributions toward the payment of their health insurance premiums depending on the number of hours they are employed during the year. This bill permits state employees to be paid an annual stipend of \$2,000 in lieu of health insurance coverage.

This bill increases the terms of appointed members of the Group Insurance Board from two years to four years, expiring on May 1 of the odd-numbered years.

SAFETY AND PROFESSIONAL SERVICES**ELIMINATION OF DSPTS**

Under current law, DSPTS and the various boards and councils attached to DSPTS regulate professional licensure and buildings and safety in Wisconsin. Effective January 1, 2016, this bill eliminates DSPTS and transfers all of its functions to DFIPS. The bill attaches to DFIPS the various boards and councils attached to DSPTS under current law.

PROFESSIONAL LICENSURE

Under current law, the licensure period for most credentials issued by DSPTS or a credentialing board under DSPTS is two years, with renewal dates in either the odd-numbered or even-numbered year.

This bill instead provides that the licensure period for most credentials is four years, staggered so that the actual renewal dates for credential holders who have even-numbered birth years are two years apart from the renewal dates for credential holders who have odd-numbered birth years. The bill also provides that the change from two-year to four-year credential periods may be phased in over time.

Under current law, the Veterinary Examining Board (board) regulates the practice of veterinarians and veterinary technicians in Wisconsin. Currently, the board is under the umbrella of DSPTS. This bill transfers the board to the DATCP.

Current law requires the Pharmacy Examining Board (PEB) to establish by rule and administer a prescription drug monitoring program (PDMP). The PDMP requires pharmacies and physicians or other practitioners to generate a record documenting each dispensing of a prescription drug by the pharmacy or practitioner that is covered by the PDMP, generally a controlled substance or other drug the PEB identifies as having a substantial potential for abuse. Among other requirements, the pharmacy or practitioner must deliver records generated under the PDMP to the PEB. This bill transfers the PDMP to the Controlled Substances Board (CSB), which, like the PEB, is attached to DSPTS.

The bill also adds all of the following members to the current membership of the CSB:

SENATE BILL 21

1. The chairperson of the Medical Examining Board or his or her designee.
2. The chairperson of the Dentistry Examining Board or his or her designee.
3. The chairperson of the Board of Nursing or his or her designee.

The bill also specifies that the PEB may disclose a record generated under the PDMP to law enforcement agencies, including under circumstances indicating suspicious or critically dangerous conduct or practices of a pharmacy, pharmacist, practitioner, or patient.

Current law further requires the PEB to specify by rule the discipline for failure to comply with the PDMP. Under the bill, those rules must permit the board to refer to the appropriate board for discipline, or the appropriate law enforcement agency for investigation and possible prosecution, a pharmacist, pharmacy, or practitioner that fails to comply with the PDMP.

BUILDINGS AND SAFETY

This bill transfers DSPS's responsibilities with respect to administration of the laws regulating private on-site wastewater treatment systems (POWTS) to DNR and eliminates a program to provide grants to individuals and businesses who are served by failing POWTS.

This bill further transfers \$21,000,000 from the petroleum inspection fund to the transportation fund in each year of the fiscal biennium.

STATE GOVERNMENT**STATE FINANCE**

This bill increases the amount of state public debt to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities from \$3,785,000,000 to \$5,285,000,000.

The bill extends into the 2016-17 fiscal year a lapse requirement imposed for most state agencies during the 2013-15 fiscal biennium. Under the bill, the secretary of administration must lapse moneys to the general fund from executive branch state agency general purpose revenue and program revenue appropriations.

The bill requires the cochairpersons of the Joint Committee on Legislative Organization, during the 2015-17 fiscal biennium, to ensure that \$9,232,200 is lapsed from sum certain general purpose revenue appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

Currently, in any fiscal year, the secretary of administration may temporarily reallocate moneys to the general fund from other funds in an amount not to exceed 5 percent of the total general purpose revenue appropriations for that fiscal year. In 2013 Wisconsin Act 20, this amount was increased to 9 percent for the 2013-15 fiscal biennium. This bill makes the increase to 9 percent permanent.

Current statutes provide that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total general purpose revenue appropriations for that fiscal year. For fiscal years 2017-18 and 2018-19, and for each fiscal year thereafter, the amount is 2 percent of total general purpose revenue appropriations for that fiscal year.

SENATE BILL 21**SECTION 4474**

1 **SECTION 4474.** 450.11 (1b) (bm) of the statutes is amended to read:

2 450.11 **(1b)** (bm) A pharmacist or other person dispensing or delivering a drug
3 shall legibly record the name on each identification card presented under par. (b) to
4 the pharmacist or other person, and the name of each person to whom a drug is
5 dispensed or delivered subject to par. (e) 2., and shall maintain that record for a time
6 established by the board by rule or, for a record that is subject to s. ~~450.19~~ 961.385,
7 until the name is delivered to the controlled substances board under s. ~~450.19~~
8 961.385, whichever is sooner.

9 **SECTION 4475.** 450.11 (1m) of the statutes is amended to read:

10 450.11 **(1m)** ELECTRONIC TRANSMISSION. Except as provided in s. ~~453.068~~ 89.068
11 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the
12 patient approves the transmission and the prescription order is transmitted to a
13 pharmacy designated by the patient.

14 **SECTION 4476.** 450.125 of the statutes is amended to read:

15 **450.125 Drugs for animal use.** In addition to complying with the other
16 requirements in this chapter for distributing and dispensing, a pharmacist who
17 distributes or dispenses a drug for animal use shall comply with s. ~~453.068~~ 89.068.

18 **SECTION 4477.** 450.19 of the statutes is renumbered 961.385, and 961.385 (1)
19 (ar), (2) (a) 3., (c) and (f) and (2m) (b), as renumbered, are amended to read:

20 **961.385 (1) (ar)** "Practitioner" has the meaning given in s. 450.01 (17) but does
21 not include a veterinarian licensed under ch. ~~453~~ 89.

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

SENATE BILL 21**SECTION 4477**

1 (c) Specify the persons to whom a record may be disclosed and the
2 circumstances under which the disclosure may occur. The rule promulgated under
3 this paragraph shall permit the board to ~~share~~ disclose a record generated by the
4 program ~~with~~ to relevant state and local boards and agencies, including law
5 enforcement, and relevant agencies of other states, including under circumstances
6 indicating suspicious or critically dangerous conduct or practices of a pharmacy,
7 pharmacist, practitioner, or patient. The board shall define what constitutes
8 suspicious or critically dangerous conduct or practices for purposes of the rule
9 promulgated under this paragraph.

10 (f) ~~Specify~~ Permit the board to refer to the appropriate board for discipline for
11 failure, or the appropriate law enforcement agency for investigation and possible
12 prosecution, a pharmacist, pharmacy, or practitioner that fails to comply with rules
13 promulgated under this subsection, including by failure to generate a record that is
14 required by the program.

15 (2m) (b) After consultation with representatives of licensed pharmacists and
16 pharmacies, and subject to the approval of the secretary of safety and professional
17 services, the board may delay the requirement that a record delivered to the board
18 contain the name recorded under s. 450.11 (1b) (bm) for an additional period beyond
19 the date specified in par. (a).

20 **SECTION 4478.** 451.04 (4) of the statutes is amended to read:

21 451.04 (4) EXPIRATION AND RENEWAL. Renewal applications shall be submitted
22 to the department on a form provided by the department on or before the applicable
23 renewal date ~~specified~~ determined under s. 440.08 (2) (a) and (ag) and shall include
24 the applicable renewal fee determined by the department under s. 440.03 (9) (a).

25 **SECTION 4479.** 452.025 (5) (a) of the statutes is amended to read:

CSB Goals

- CSB 2 – proactive scheduling (Ongoing)
- Maintain and seek-out general communications and educational efforts (Ongoing)
- Website review (Ongoing)
- SUA Review Process Update
- Electronic SUA Form
- Prescription Drug Abuse Efforts – PDMP/NGA/Legislation



Media Center



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Schimel Launches Prescription Drug Take Back Program

DOJ spearheads logistics to facilitate cost savings to law enforcement

MADISON –Wisconsin law enforcement heard encouraging news today when Attorney General Brad Schimel announced that the Department of Justice will now take the lead and will coordinate a prescription drug disposal program in Wisconsin.

“With the opiate epidemic devastating families and communities across our state, we must work together to remove unused prescription opioids from circulation. They need to be collected and destroyed,” Schimel said. “This program will also reduce the environmental hazards associated with the improper disposal of unused prescription drugs.”

In 2010, the Secure and Responsible Drug Disposal Act was signed. As a stop-gap measure until federal regulations were changed, the federal Drug Enforcement Administration (DEA) began conducting take back events to assist local law enforcement agencies and citizens in the disposal of unused prescription drugs.

In September of 2014, the federal administrative code regarding drug disposal changed and the DEA announced they would no longer be conducting the drug take back program. The last event conducted by the DEA in Wisconsin was in September 2014. This created a need for local law enforcement agencies and citizens to find a means to safely dispose of excess prescription drugs.

Local law enforcement grew to rely on the program and many now have 24/7 drop boxes for the unused prescription drugs. They continue to offer this service to their communities but they require a mechanism to safely, effectively and legally dispose of the drugs they receive, without causing an undue financial burden on their agencies or communities. Personnel and overtime costs have been a challenge for smaller agencies, as some cannot provide an officer at take back events.

As a partner with law enforcement and community stakeholders, DOJ will provide the personnel and logistical resources to help make the Attorney General’s program a success.

The first collection day in 2015 will take place in mid- to late May and DOJ will continue to do a minimum of two collections per year. At the last statewide collection in September 2014, Wisconsin residents safely disposed of more than 17 tons of unused prescription medications, making Wisconsin one of the highest participating states in the nation. A fall collection date will follow, most likely in September/October. If a need for more frequent pickups and disposals is needed, we will work with our local partners to accommodate their requests as we become more efficient in administering the program.

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Opioid Abuse in Wisconsin: *State Policy, Naloxone, and Prescribing Practices*

Wednesday, February 18, 2015

8:30 to 11:15 am

WI State Capitol, 411 South

- 8:15 – 8:30 **Registration**
- 8:30 – 8:40 **Welcome and Introductions**
Rep. John Nygren, WI 89th Assembly District
- 8:40- 9:00 *Ensuring Balance in the Medical Use of Opioids*
James Cleary, Director, Pain & Policy Study Group, UW-Madison
- 9:00-9:20 *Using Evidence to Address Opioid Medication Diversion in Wisconsin*
Aaron Gilson, Research Program Manager, Pain & Policy Study Group, UW-Madison
- 9:20-9:40 *Prescription Drug Monitoring Programs*
Patrick Knue, Program Coordinator, PDMP Training and Technical Assistance Center, Brandeis University
- 9:40-9:50 *The National Governor's Association Prescription Drug Abuse Project, and the AG's Perspective*
Brad Schimel, Attorney General, State of Wisconsin
- 9:50-10:10 *Naloxone Treatment of Opioid Overdose*
Cynthia Gaston, Clinical Assistant Professor, UW School of Pharmacy; and Medication Use Policy Analyst, UW Health
- 10:10-10:30 *Naloxone Access Policies & the Role of the Pharmacist*
Anna Legreid Dopp, Vice President of Public Affairs and Journal Editor, Pharmacy Society of Wisconsin
- 10:30-10:50 *Preventing Fatal Opioid Overdose*
Scott Stokes, Director of Prevention Services, AIDS Resource Center of Wisconsin.
- 10:50 – 11:15 **Audience Questions and Answers**

