



## Wisconsin

### State-Specific Controlled Substance Requirements

**Updated 5/31/23**

<b>Biennial Inventory (DEA):</b>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. <a href="#">[21 CFR 1304.11]</a></p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your state biennial inventory.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p><b>WI follows DEA biennial inventory requirements.</b></p>
<b>CE:</b>	<p><u>Veterinarian</u>: 30 hours every 2 years            General medicine topics: 25 hours on veterinary medicine topics            Online study: 30 hours allowed            Other: 1 hour on pesticide handling required</p> <p><u>Veterinarian Tech</u>: 15 hours every 2 years            General medicine topics: 10 hours on medicine topics            Online study: 15 hours allowed            Other: 1 hour on pesticide handling required</p> <p><b>Wisconsin does not currently require controlled substance CE</b></p>
<b>Compounding:</b>	<p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><u>WI Compounding</u>: "Compounding" means the preparation, mixing, assembling, altering, packaging, and labeling of a drug, drug delivery device, or a device in accordance with a prescription, or medication order. Compounding does not include repackaging. Compounding includes any of the following:</p> <p>(a) Preparation of drug dosage forms for both human and animal patients.</p>



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	<p>(b) Preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.</p> <p>(c) Reconstitution or manipulation of commercial products that may require the addition of one or more ingredients. Notwithstanding this paragraph, the reconstituting, mixing, or storage and beyond use dating that is performed for non-sterile preparations in accordance with the directions contained in approved labeling provided by the manufacturer is not compounding.</p> <p>(d) Preparation of drugs or devices for the purposes of, or as an incident to, research, teaching, or chemical analysis.</p> <p><a href="#">Compounding Pharmaceuticals</a></p>
<p><b>Dispensing:</b></p>	<p>"<u>Dispense</u>" means the act of delivering a drug to a person who may lawfully possess the drug, including the compounding, packaging or labeling necessary to prepare the drug for delivery.</p> <p>"<u>Veterinary prescription drug</u>" means a drug that may not be dispensed without the prescription of a veterinarian.</p> <p><i>(see "prescribing below for additional information")</i></p>
<p><b>Diversion Reporting:</b></p>	<p>Any pharmacy, practitioner or other drug enforcement administration registrant is responsible for reporting the theft or significant loss of controlled substances to:</p> <ol style="list-style-type: none"> <li>1. U.S. Department of Justice, DEA Kluczynski Building, Ste.1200, 230 S. Dearborn Street, Chicago, IL 60604 (312-353-1236, or 1-800-478-7642 toll free 24 hours)</li> <li>2. Wisconsin Pharmacy Examining Board, P.O. Box 8935, Madison, WI 53708-8935, (608-266-2112)</li> </ol> <p>Report the theft or loss on DEA Form #106 (Report of Theft or Loss of Controlled Substances), obtainable from DEA at <a href="http://www.dea diversion.usdoj.gov">www.dea diversion.usdoj.gov</a>.  <a href="https://dps.wi.gov/Credentialing/Health/fm2821.pdf">https://dps.wi.gov/Credentialing/Health/fm2821.pdf</a></p>
<p><b>Ownership:</b></p>	<p>Non-veterinarian practice ownership is restricted.</p>
<p><b>Power of Attorney Notarization:</b></p>	<p>While Wisconsin does not technically require you to get your POA notarized, notarization is strongly recommended. Under Wisconsin law, when you sign your POA in the presence of a notary public, your signature is presumed to be genuine—meaning your POA is more ironclad.</p>
<p><b>Prescribing:</b></p>	<p>"<u>Prescription</u>" means a written, oral or electronic order from a veterinarian to a pharmacist or to another veterinarian that authorizes the pharmacist or other veterinarian to dispense a drug, or from a veterinarian to a client that authorizes the client to make extra-label use of a drug.</p> <p><u>E-prescribing</u>: Wisconsin has no existing e-prescribing mandates.</p> <p><b>89.068 Drugs for animal use.</b></p> <p><b>(1)</b> Prescribing; dispensing.</p> <p><b>(a)</b> <i>Extra-label use on animal; prescription required.</i> No person may make extra-label use of a drug on an animal without a prescription or in any manner not authorized by that prescription.</p> <p><b>(b)</b> <i>Form of prescription.</i> A prescription shall include all of the following:</p> <ol style="list-style-type: none"> <li><b>1.</b> The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian.</li> </ol>



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2. The name and address of the client.
  3. The species and identity of the patient for which the prescription is issued.
  4. The name, strength and quantity of the drug prescribed.
  5. The date on which the prescription is issued.
  6. The directions for administering the drug.
  7. If the patient is a food-producing animal, the withdrawal time for the veterinary drug.
  8. If the prescription authorizes extra-label use, the manner in which the client may use the drug.
  9. Any cautionary statements required by law.
- (c) Prescribing, dispensing and administering requirements for veterinarian.** A veterinarian may not do any of the following:
1. Prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without personally examining the patient unless a veterinary-client-patient relationship exists between the veterinarian, client and patient and the veterinarian determines that the client has sufficient knowledge to administer the drug properly.
  2. Prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records described under sub. (3), within 72 hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed.
  3. Prescribe a drug to a client for extra-label use on a patient unless all of the following apply:
    - a. A veterinary-client-patient relationship exists between the veterinarian, client and patient and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that veterinarian-client-patient relationship.
    - b. The veterinarian determines that there is no drug that is marketed specifically to treat the patient's diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective.
    - c. The veterinarian recommends procedures for the client to follow to ensure that the identity of the patient will be maintained.
    - d. If the patient is a food-producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed.
  4. Transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.
- (2) Labeling.** A veterinarian or pharmacist may not dispense a drug that has been prepared, mixed, formulated or packaged by the veterinarian or pharmacist unless the veterinarian or pharmacist affixes to the container in which the drug is dispensed a label containing all of the information specified in sub. (1) (b), except the address of the client. A veterinarian or pharmacist may not dispense a veterinary prescription drug that has been prepackaged by its manufacturer for dispensing unless the veterinarian or pharmacist affixes to the container in which the drug is dispensed a label containing all of the information specified in sub. (1) (b), except the address of the client. A veterinarian or pharmacist may dispense a veterinary over-the-counter drug without affixing any information to the container in which the drug is dispensed if a label that has been affixed to the container by its manufacturer provides adequate information for its use.



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	<p><u>Phar 8.12 Prescription orders transmitted by facsimile machine.</u></p> <p>(1) Prescription drugs other than schedule II controlled substances. A pharmacist may dispense a prescription drug, other than a schedule II controlled substance, pursuant to a prescription order transmitted by a facsimile machine from the practitioner or the practitioner's agent to the dispensing pharmacy if all of the following conditions are met:</p> <p style="padding-left: 40px;">(a) The transmitted facsimile prescription order shall contain all of the information required for a valid written prescription order. The order shall also contain the time and date of the transmission, as well as the telephone number and name of the transmitter.</p> <p style="padding-left: 40px;">(b) Unless the facsimile paper is non-fading, the facsimile prescription order received shall be duplicated by copy machine or other similar device and the copy must be physically attached to the order received.</p> <p>(2) Schedule II controlled substances. A pharmacist may not dispense a schedule II controlled substance pursuant to a prescription order transmitted by a facsimile machine unless all of the conditions stated in sub. (1) are satisfied, and any of the following conditions are met:</p> <p style="padding-left: 40px;">(a) The prescription order is written for a schedule II controlled substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, and is transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.</p> <p style="padding-left: 40px;">(b) The prescription order is written for a schedule II controlled substance for a patient who resides in a long term care facility, or who meets the eligibility requirements for placement in a long term care facility but elects to reside at home, and is transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.</p> <p style="padding-left: 40px;">(c) The prescription order is written for a schedule II controlled substance for a patient enrolled in a hospice certified by Medicare under Title XVIII or licensed by this state, and is transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.</p>
<p><b>Recordkeeping:</b></p>	<p><u>Patient records</u> must be kept for <b>3 years</b> from date of last entry.</p> <p><u>Controlled substance</u> inventory records, invoices, and DEA official order forms (Forms 222) must be maintained for 2 years.</p> <p><u>Controlled substance prescriptions</u> must be maintained for 5 years.</p> <p><a href="#">Wisconsin Phar 8 Updates</a></p> <p><b>(3) Prescription records.</b> A veterinarian shall maintain complete records of each veterinary prescription drug that the veterinarian receives, prescribes, dispenses or administers, and of each prescription issued by the veterinarian that authorizes extra-label use. Records of each veterinary prescription drug shall include the name of each veterinary prescription drug that is received, the name and address of the person from whom the drug is received and the date and quantity received, the name and address of the person to whom the drug is dispensed and the date and quantity dispensed and, if the veterinarian prescribes or administers the drug, the information specified in sub. (1)(b). Records of each prescription authorizing extra-label use shall include the information specified in sub. (1)(b).</p>



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<b>Supervision:</b>	<p>Veterinarians may delegate to certified veterinary technicians the provision of the following veterinary medical services under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided:</p> <ul style="list-style-type: none"> <li>(a) Administration of local or general anesthesia, including induction and monitoring.</li> <li>(b) Performing diagnostic radiographic contrast studies.</li> <li>(c) Dental prophylaxis and extractions.</li> </ul> <p><b>(5)</b> Veterinarians may delegate to unlicensed assistants the provision of the following veterinary medical services under the direct supervision of the veterinarian:</p> <ul style="list-style-type: none"> <li>(a) Basic diagnostic studies, including routine radiographs, nonsurgical specimen collection, and laboratory testing procedures.</li> <li>(b) Monitoring and reporting to the veterinarian changes in the condition of a hospitalized animal patient.</li> <li>(c) Dispensing prescription drugs pursuant to the written order of the veterinarian.</li> </ul> <p><a href="https://docs.legis.wisconsin.gov/code/register/2005/596b/insert/ve7">https://docs.legis.wisconsin.gov/code/register/2005/596b/insert/ve7</a></p>
<b>State CS License:</b>	<p>Wisconsin <b>does not</b> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Wisconsin.</p>
<b>State Scheduled CS's:</b>	<p>WI is currently deliberating mandated reporting of gabapentin to controlled substance status</p>
<b>Telemedicine:</b>	<p>No existing laws. Where telemedicine occurs is not defined.</p>
<b>VCPR:</b>	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p><b>(8)</b> "Veterinarian-client-patient relationship" means a relationship between a veterinarian, a client and the patient in which all of the following apply:</p> <p><a href="#">89.02(8)(a)</a></p> <ul style="list-style-type: none"> <li><b>(a)</b> The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the patient's need for medical treatment, and the client has agreed to accept those medical judgments and to follow the related instructions of the veterinarian.</li> <li><b>(b)</b> The veterinarian has sufficient knowledge of the patient to initiate a general or preliminary diagnosis of the medical condition of the patient because the veterinarian has recently examined the patient or has made medically appropriate and timely visits to the premises on which the patient is kept.</li> <li><b>(c)</b> The veterinarian is readily available for follow-up treatment of the patient if the patient has an adverse reaction to veterinary treatment.</li> </ul> <p>A veterinarian may not do any of the following:</p> <ol style="list-style-type: none"> <li>1. Prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without personally examining the patient unless a veterinarian-client-patient relationship exists between the veterinarian, client and patient and the veterinarian determines that the client has sufficient knowledge to administer the drug properly;</li> </ol>



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	<p>2. Prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records, within 72 hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed;</p> <p>3. Prescribe a drug to a client for extra- label use on a patient unless all of the following apply:</p> <ul style="list-style-type: none"> <li>a. A veterinary-client-patient relationship exists between the veterinarian, client and patient and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that veterinarian-client-patient relationship;</li> <li>b. The veterinarian determines that there is no drug that is marketed specifically to treat the patients diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective;</li> <li>c. The veterinarian recommends procedures for the client to follow to ensure that the identity of the patient will be maintained;</li> <li>d. If the patient is a food- producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed.</li> </ul> <p>4. Transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client (<a href="#">W.S.A. 89.068</a>). Statute</p>
<p><b>WI Veterinary Professional License:</b></p>	<p>Active Wisconsin veterinary credential holders must reapply to renew their credential <b>before December 31 of every odd numbered year</b> to keep it current. If you are currently practicing veterinary medicine in Wisconsin with an expired credential, you must renew your credentials as soon as possible. The cost to renew your credential is \$185. That cost includes a \$25 late renewal fee. Failure to renew your credential by March 1 may result in board action taken against you for unlicensed practice.</p> <p><b>If you have already registered</b> for your MyDATCP account, go to the <a href="#">log on page</a> to reapply for (renew) your Wisconsin veterinary credential.</p>
<p><b>Wisconsin PDMP:</b></p>	<p><u>APPLICABILITY TO DRUGS DISPENSED PURSUANT TO A VETERINARIAN'S PRESCRIPTION ORDER</u></p> <p>Pharmacists are authorized to dispense monitored drugs prescribed for an animal by a veterinarian. Under prior law, requirements related to the PDMP did not apply the dispensing of drugs prescribed by veterinarians. Under the Act, the requirements of the PDMP pertaining to the dispensing of monitored drugs by pharmacists apply to monitored drugs dispensed pursuant to a prescription order issued by a veterinarian for a patient that is an animal.</p> <p>However, as under prior law, a veterinarian is not a practitioner for purposes of the PDMP and, therefore, <b>veterinarians are not required to submit information to the PDMP.</b></p> <p><a href="https://docs.legis.wisconsin.gov/2015/related/lcactmemo/act266">https://docs.legis.wisconsin.gov/2015/related/lcactmemo/act266</a></p> <p>Website: <a href="https://pdmp.wi.gov">https://pdmp.wi.gov</a></p>



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#### Information and Resources

##### **FEDERAL:**

Drug Enforcement Administration, Chicago Division  
230 S. Dearborn Street, Ste. 1200  
Chicago, IL 60604-1745  
Phone: (312) 353-7875

##### **Milwaukee Office**

- Madison: 608-264-5111
- Milwaukee: 414-297-3395
- Racine: 262-886-6808

Federal Law: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

##### **STATE:**

Wisconsin Board of Veterinary Medicine website:

[https://datcp.wi.gov/pages/About\\_Us/VeterinaryExaminingBoard.aspx](https://datcp.wi.gov/pages/About_Us/VeterinaryExaminingBoard.aspx)

Wisconsin Pharmacy Examining Board website: [https://nabp.pharmacy/bop\\_members/wisconsin/](https://nabp.pharmacy/bop_members/wisconsin/)