

WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING

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June 14, 2002

JUN 18 2002

Anne Hletko, PA-C  
Wisconsin Academy of Physician Assistants  
330 East Lakeside Street  
P.O. Box 1109  
Madison, WI 53701

Re: Dispensing by Physician Assistants

Dear Ms. Hletko:

Let me first apologize for not responding sooner to your letter of February 12, 2002, attached to your letter of June 4, 2002.. I do not recall having received it. In your letter, you note that the pharmacy in a rural hospital has taken the position that physician assistants may not dispense medications to patients pursuant to the written guidelines established between the P.A. and his or her supervising physician under § Med 8.08(2)(a), Code. The pharmacist is in error.

In your letter you point out that § 961.01(19), Stats, includes P.A.'s in the definition of "practitioners" as persons "licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state." This is a clear indication that the legislature anticipated dispensing to be within the scope of a P.A.'s supervised practice.

We could probably stop there, but there is abundant further evidence of the intent of the legislature and the Medical Examining Board to permit physician assistants to dispense. Section 450.01, Stats. defines "practitioner" as "a person licensed in this state to prescribe and administer drugs or licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs." This definition without question includes physician assistants, and § 450.01(7), Stats., makes it clear that practitioners may dispense ("Dispense" means to deliver a prescribed drug or device to an ultimate user or research subject by or pursuant to the prescription order of a practitioner, including the compounding, packaging or labeling necessary to prepare the prescribed drug or device for delivery.").

Finally, § Med 8.08, Code, setting forth prescribing limitations for physician assistants, states that "A physician assistant may not prescribe or dispense any drug independently." Had the

intent been to entirely forbid dispensing by a physician assistant, the provision would obviously have been drafted to express that intent.

I hope the foregoing adequately responds to your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne R. Austin". The signature is written in a cursive style with a horizontal line underneath it.

Wayne R. Austin  
Attorney, Office of Legal Services

cc: Medical Examining Board