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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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<b>2003 Wisconsin Act 272</b> [2003 Assembly Bill 560]	<b>Use of Drug Enforcement Administration Numbers</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

2003 Wisconsin Act 272 prohibits certain activities with respect to a practitioner's federal Drug Enforcement Administration (DEA) number, which is used for purposes of prescribing, dispensing or taking other actions regarding controlled substances. (A practitioner is a person who is licensed to prescribe and administer drugs.)

The Act provides that no person may do any of the following:

- Require that a practitioner include his or her DEA number on a prescription order for a drug or device that is not a controlled substance.
- Disclose a practitioner's DEA number without the practitioner's consent for any purpose other than complying with or enforcing federal or state law related to controlled substances.
- Use a DEA number to identify or monitor the prescribing practices of a practitioner, except for the purpose of complying with or enforcing federal or state law related to controlled substances.

The above prohibitions apply beginning on the first day on which small health plans are required to comply with a federal Department of Health and Human Services (DHHS) regulation under the Health Insurance Portability and Accountability Act (HIPAA) that requires use of a unique identifier for health care providers. The final federal regulation on unique identifiers for health care providers has been published in the Federal Register and small health plans will be required to comply with that regulation by May 23, 2008. [Federal Register, Vol. 69, No. 15, p. 3434, January 23, 2004.] Therefore, the prohibitions in Act 272 will apply beginning on May 23, 2008.

A person who violates the above prohibitions may be required to forfeit not more than \$10,000 for each violation.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

**Effective Date:** The Act takes effect on May 1, 2004, but, as described above, compliance is not required until May 23, 2008.

**Prepared by:** Richard Sweet, Senior Staff Attorney

April 21, 2004

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