

Senate Bill 452...relating to: establishing a cancer drug repository program and requiring the exercise of rule-making authority.

BILL SPONSORS

Senators **Stepp, Roessler, Schultz, Robson, Brown, Erpenbach, Welch, Kanavas, Carpenter, Zien, Wirch, Coggs, Plale, A. Lasee, Lassa and Chvala.**
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BILL HISTORY

Senate Bill 452 was introduced and referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care on February 10, 2004. A public hearing and executive action were held on February 12, 2004.
The committee recommended passage of Senate Bill 452 on a vote of 9-0.

LRB ANALYSIS

Current Law: There are no current law statutes that pertain to this issue.

Proposed Changes: This bill requires the Department of Health and Family Services (DHFS) to establish, effective July 1, 2005, and maintain a cancer drug repository program, under which any person may donate a cancer drug, as defined in the bill, that may be prescribed for use by an individual who meets eligibility criteria specified by rule by DHFS. Under the bill, cancer drugs may be donated to a medical facility (as defined in the bill) or pharmacy that elects to participate in the program and meets requirements specified by rule by DHFS. The medical facility or pharmacy may distribute the cancer drug to another participating medical facility or pharmacy, or may dispense the cancer drug. If dispensing the cancer drug, the medical facility or pharmacy must follow standards and procedures specified by rule by DHFS for inspecting the drug to determine that the packaging is unopened and that the drug is not adulterated or misbranded. No donated cancer drug may be accepted unless it bears an expiration date that is later than six months after the date that the drug is donated, and no donated cancer drug may be resold. The donated cancer drug must be prescribed by a practitioner for the eligible individual and dispensed by a pharmacist. DHFS is required, under the bill, to promulgate numerous rules, including requirements of participation by medical facilities and pharmacies, eligibility criteria for individuals to receive donated cancer drugs that require dispensation be prioritized for persons who are indigent or uninsured, and a maximum handling fee that a medical facility or pharmacy may charge for accepting, distributing, or dispensing donated cancer drugs. Lastly, the bill provides immunity from civil liability for injury to or the death of the individual to whom the drug is dispensed, and prohibits a finding of unprofessional conduct, for acts or omissions related to donating, accepting, distributing, or dispensing a cancer drug that do not involve reckless, wanton, or intentional misconduct.

Major Impact: Allows for unused cancer drugs to be for distribution by a medical facility or pharmacy.

FISCAL EFFECT

State Fiscal Effect (Prepared by DHFS)
 This bill requires the Department to establish and maintain a cancer drug repository program by July 1, 2005. The program would allow individuals to donate a cancer drug that may be prescribed for use by an individual who meets eligibility criteria specified by rule by the Department. The bill provides that the cancer drugs may be

	<p>donated to a medical facility or pharmacy that elects to participate in the program. Participating facilities may dispense the drugs according to standards developed by the Department in rule.</p> <p>To implement the provision of this bill, the Department would be required to set up and maintain a database for the cancer drug repository which included information on participating facilities and individuals seeking to donate drugs or to obtain donated drugs. The Department would be required to promulgate rules regarding requirements for facilities to accept and dispose of donated drugs, eligibility criteria for the program, and standards and procedures for accepting, donating, monitoring, inspecting, and dispensing the drugs.</p> <p>It is assumed that the majority of applicants for donated drugs in this program would be uninsured. Currently 26,000 individuals are diagnosed with cancer annually. It is estimated that approximately 8,000 of these will undergo some form of chemotherapy, which would involve the use of cancer treatment drugs. In Wisconsin, an estimated 11% of the population has no medical insurance. If this same percentage applies to individuals receiving chemotherapy, approximately 900 people annually may wish to apply to a cancer registry for drugs.</p> <p>The workload associated with developing and maintaining the cancer registry database and preparing administrative rules cannot be absorbed by current staff. An additional .5 FTE Program and Planning Analyst would be required to perform these functions, at a cost of \$25,700 GPR the first year and \$18,500 GPR annually. The cost of preparing information for patients and facilities in the program and distributing this information is estimated at \$5,000 GPR in the first year and \$500 annually. Total costs of this program are estimated at \$30,700 GPR in the first year of the program and \$19,000 GPR annually.</p>
SUPPORT	<p>The following people appeared in favor of this bill: (1) Melanie Ramey, The HOPE of Wisconsin, Madison; (2) Barbara Scavone, Self, Kenosha; (3) Cathy Peters, American Cancer Society, Madison; and (4) Senator Cathy Stepp, 21st Senate District.</p> <p>The following people registered in favor of this bill: (1) Senator Ted Kanavas, 33rd Senate District; (2) Senator Bob Wirsch, 22nd Senate District; (3) Lisa Maroney, UW Hospital and UW Medical Foundation; (4) Michelle Mettner, Aurora Health Care, Madison; (5) Mark Grapentine, WI. Medical Society, Madison; (6) Alison Prange, American Cancer Society, Madison; (7) Gretchen Peterson, American Cancer Society, Oak Creek; and (8) Kathryn Kuhn, Medical College of Wisconsin, Milwaukee.</p> <p>The following person testified for information only: (1) Tom Conway, Department of Health and Family Services, Madison.</p>
OPPOSITION	<p>No one appeared or registered in opposition to this bill.</p>
CONTACT	<p>Jennifer Halbur, Office of Senator Carol Roessler</p>
DATE	<p>February 26, 2004</p>

FEB 25 2004

Cancer Drug Repository Program – “Nick’s Law”

AB 845/SB 452



American Cancer Society volunteer Nick Scavone lost his battle with cancer in November 2003 after a 20-year fight. Nick was fully dedicated to the American Cancer Society and its mission. A new legislative proposal in Nick's name would improve needy cancer patients' access to prescription drugs by allowing the donation of unused medications. This legislation ensures that Nick's commitment to the fight against cancer lives on.

- Large amounts of prescription drugs are destroyed each year after a cancer patient no longer needs them. A new bill being considered by the state legislature would create a cancer drug repository and would allow cancer patients and their families to donate unused and unopened prescription drugs to needy individuals.
- Cancer patients are sometimes forced to purchase a large amount of prescription drugs and don't use all of them either because the drugs don't work for them or because they no longer need them.
- Currently, cancer patients and their families are unable to give back unused prescription drugs and have no choice but to throw away costly medications. Many uninsured and low-income cancer patients across the state are unable to afford the prescription drugs they need to beat their disease.
- The Cancer Drug Repository Program would accept unused, unopened, individually packaged prescription drugs from individuals and health care facilities and these drugs would be redistributed to uninsured and low-income cancer patients.
- Cancer drugs may be donated to a medical clinic, pharmacy or hospital that elects to participate in the program.
- Uninsured and low-income cancer patients will have first priority access to donated drugs. Other cancer patients may receive donated drugs if an uninsured or low-income individual is not available.
- As is the case with all prescription drugs, donated drugs can be distributed only when prescribed by a doctor and dispensed by a pharmacist.
- Donated drugs must be in their original, unopened, sealed and tamper-evident packaging. Pharmacies, hospitals and medical clinics that participate in the program must follow specific procedures to determine that the packaging is unopened and that the drug has not been contaminated.
- Pharmacies, hospitals and medical clinics may charge a handling fee for dispensing donated cancer drugs but may not resell donated drugs.
- The legislation requires the Wisconsin Department of Health and Family Services to create numerous rules related to requirements for participation by pharmacies, hospitals and medical clinics, standards for storing and distributing donated drugs, eligibility criteria for individuals to receive donated cancer drugs, and a list of drugs that will and will not be accepted by the program.

Nick's Law has strong bipartisan support. SB 452 Passed the Senate Health Committee 9-0. AB845 Passed the Assembly Health Committee 13-1

We ask you to vote "Yes" on this important legislation.

If you have any questions, please contact Alison Prange at the American Cancer Society at 608-662-7556.



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Nick's law is both tribute and tool to fight cancer

With more and more laws going on the books each session of the Legislature, one would think that over time legislators would just run out of things to regulate.

But there's at least one more law that should go on the books - "Nick's Law".

The legislation, authored by State Sen. Cathy Stepp, R-Yorkville, goes to a vote in the Assembly next week and then - we hope - quickly on to the state Senate.

We don't expect it to face much opposition. It's one of the most humane and sensible things we've heard of and frankly we're surprised that it hasn't been enacted before.

Nick's Law would end the needless and wasteful destruction of perfectly good, unopened, unused cancer-fighting drugs when a cancer patient no longer needs them.

Instead of jettisoning them as is customarily done, the law would allow the expensive drugs to be donated to participating hospitals and pharmacies and re-dispensed to other cancer patients who need them.

The state Department of Health and Family Services would oversee the program and make sure that there are no safety problems and physicians would prescribe the drugs.

Uninsured and low-income cancer patients would top the priority list for receiving the donated drugs.

State Rep. Mark Miller, one of the Assembly co-sponsors of the bill, said last week, "It is my hope that we can use this legislation as a model to extend coverage for other chronic diseases."

We hope so, too.

The "Nick" in Nick's Law is Nick Scavone of Kenosha, who died last November after a 20-year fight with liposarcoma, a rare form of cancer. For most of those 20 years, Nick was in the forefront of efforts in Kenosha County to combat the dreaded disease and advocate for cancer research. He helped bring the annual "Relay for Life" to Kenosha to help raise funds and was a principal organizer of the rally for many years.

Passage of this law would be a tribute to Nick's efforts and at the same time contribute in a very real and effective way to the ongoing struggles facing cancer patients across the state.

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Ideas or comments?

Contact Steve Lund, editorial page editor
(262) 654-8253,
after 9 a.m. or e-mail: slund@kenosha-news.com

A4 KENOSHA NEWS MONDAY, FEBRUARY 23, 2004

Editorials

Proposal is a fitting honor for Scavone

A bill pending in the state Legislature would create a repository for unused leftover cancer medicines and medical supplies so that they can be donated to underinsured or uninsured cancer patients. Current law prohibits the redistribution of prescribed drugs. As a result a substantial quantity of unused medications and supplies are thrown out.

THE FORCE
of Nick Scavone's personality turned the Kenosha Relay for Life into a big community event and an extremely successful fund-raiser for the American Cancer Society.

A spokesman for the American Cancer Society said the drugs may be unused for a variety of reasons. Sometimes patients don't use all of a prescribed course of medicine because it is ineffective or because they can't tolerate it. Sometimes there is a fortunate circumstance that produces leftover medicines, such as someone being prescribed

pain medications that they don't need to take for very long. A repository for leftover medicines that are still in original, unopened, containers makes a lot of sense. It's a way to help people without spending much money. The bill has received broad support in both the Assembly and the Senate.

The bill has been given the hopeful name of Nick's Law in honor of Nick Scavone, a Kenosha man who volunteered for the American Cancer Society for two decades and who is known as the founder of the Relay for Life in Kenosha. Scavone, a former loading dock supervisor in the Kenosha auto plant and later an appliance salesman, was a man of rare energy, even when he was personally battling cancer. The force of his personality turned the Kenosha Relay into a big community event and an extremely successful fund-raiser for the American Cancer Society.

We think Nick would like the idea of the cancer drug repository, and it is appropriate that the law, if it becomes law, is named after him. He deserves the honor.

The Journal Times

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County Notebook: Good news for cancer

By Abe Winter

State Sen. Cathy Stepp, R-Yorkville, hopes a bill that creates a cancer drug repository program will soon become law in Wisconsin.

Senate Bill 452, which she authored, passed unanimously out of committee last week. It is being called Nick's Law in memory of the late Nick Scavone, who died last November after a 20-year battle with cancer.

Scavone was in possession of considerable cancer-fighting medication but current Wisconsin regulations forbade his family from donating the costly prescription drugs to other cancer patients.

"Currently, we have situations where cancer patients and their families are being forced to throw away perfectly good medication even though these same drugs could be helping another cancer victim living across the street," Stepp said. "Nick's Law will fix that."

It would create a cancer drug repository program where unused, unopened cancer drugs may be donated. Under the bill, unused prescription cancer drugs could be donated to hospitals and pharmacies electing to participate in the program. Stepp said low-income and uninsured cancer victims would have priority in receiving the medication.

But what about the safety issue regarding unused medication? Doctors, the senator said, would prescribe the drugs and pharmacists would dispense them. The state's Department of Health and Family Services would make sure other specific product safety guidelines are followed.

"This is truly one of those 'there ought to be a law' situations. It just doesn't make sense to continue letting this life-saving medication go to waste," said Stepp. "By passing this bill, Nick's commitment to the fight against cancer will live on."

The bill, she said, is supported by the American Cancer Society and a large, bipartisan group of legislators.

"Large amounts of prescription drugs are destroyed each year after a cancer patient no longer needs them," said Alison Prange of the American Cancer Society in Madison. "This legislation would improve needy cancer patients' access to the much-needed prescription drugs."

"I'm pretty sure this bill will get scheduled soon and move quickly through both houses," said Jay Risch, committee clerk in Stepp's office. "It's very bipartisan on both sides."

Snout to snout in Raymond When it come to raising funds, the administration and teaching staff at Raymond School doesn't mind being a part of some unusual activities.

Last year it was an overnight campout on the school's roof. This year it involves kissing a pig. That's right, a pig. A live one with a big snout.

Raymond Administrator Gary Damaschke has promised to kiss the pig on one condition: If the Raymond School PTO's Pasta Festa, Grand Raffle & Auctions, scheduled from 1 to 7 p.m. Sunday at the school, raises \$10,000.

He can count on kissing the pig. After all, last year's event raised \$32,000 and this year's goal by the committee is \$25,000.

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KENOSHA NEWS

News, Kenosha, Wisconsin

SATURDAY, FEBRUARY 21, 2004

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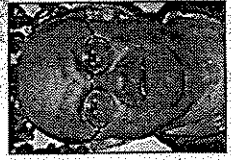
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Nick's Law aims to assist low-income cancer patients

BY JOE POTENTE Scavone's name that would cre-
KENOSHA NEWS
ate a statewide repository for
unused prescription drugs for
The late Nick Scavone's
efforts to battle cancer may not
have ended when the Kenosha
resident died last year.
A legislative bill bearing
next week.

Nick's Law, said Alison Prange, Wisconsin government relations liaison for the American Cancer Society, would allow participating medical facilities to gather valuable drugs that would otherwise be discarded by survivors of cancer victims. These drugs — coming



Nick Scavone

from victims' medicine cabinets, the inventories of which are often worth hundreds or thousands of dollars — would turn go to those in need.
In addition, Prange said a recent amendment to the bill would also allow unused medical equipment to be deposited, such as surgical tubing and batteries for IV units.
The models for the program, Prange said, were similar to bills passed last year in Nebraska and Ohio.

"We heard about it and thought it was a very good idea, because it could help folks who need these cancer drugs," she said. "In talking about this, we decided it would be a great way to remember Nick."

Scavone, who died at age 64 last November after a lengthy on and off battle with cancer, is best known around Kenosha as the founder of the local Relay for Life, an annual fundraiser
See **SCAVONE**, Back page

State bill would honor Scavone

SCAVONE: Committees approve law

From Page A1

for the American Cancer Society. For nearly a decade, he inspired cancer patients and survivors with the motto "never give up."

Nick's Law, which recently received passage in the Assembly and Senate health committees, has the sponsorship of Sen. Robert Wirch, D-Pleasant Prairie, and Samantha Kerkman, R-Powers Lake.

Other local legislators have also registered their support for the bill, Prange said.

Scavone's widow, Barbara Scavone, came to Madison twice to testify on behalf of Nick's Law at both committee hearings.

"I can't even put into words how honored the family is," Barbara Scavone said of Nick's Law. "Nick worked so hard for the American Cancer Society and to help other people, and this law will just benefit so many others who are suffering from cancer."

The legislation must now pass through the Assembly and Senate before it reaches Gov. Jim Doyle's desk. The Assembly is scheduled to take up Nick's Law on Wednesday, and a Wirch aide said a bill signing in Kenosha may occur if it is approved.

Prange said Nick's Law would be certain to assist some of the roughly 20,000 Wisconsin residents diagnosed with cancer each year.

"We have a great chance just to provide access to cancer patients and to honor Nick's memory," Prange said.