



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Assembly Bill 197**

**Assembly Amendment 1**

*Memo published:* May 6, 2005

*Contact:* Richard Sweet, Senior Staff Attorney (266-2982)

*Current law* establishes a cancer drug repository program in the Department of Health and Family Services (DHFS). Under the program, persons may donate unused cancer drugs or supplies needed to administer cancer drugs to medical facilities or pharmacies that choose to participate in the program. Donated drugs must be in their original, unopened packaging. DHFS is required to promulgate a number of rules regarding the program, including the maximum handling fee that a medical facility or pharmacy may charge for accepting, distributing, or dispensing donated cancer drugs or supplies. In addition, DHFS must promulgate eligibility criteria for persons to receive donated cancer drugs or supplies, with priority given to persons who are uninsured or indigent.

*Assembly Bill 197* expands the cancer drug repository drug program to also include other chronic diseases. The bill defines the term “chronic disease” as follows:

“Chronic disease” means any disease, illness, impairment, or other physical condition, other than cancer, that requires health care and treatment over a prolonged period and, although amenable to treatment, frequently progresses to increasing disability or death.

In addition, the bill modifies the provision in current statutes that requires DHFS to establish a maximum handling fee that a medical facility or pharmacy may charge under the repository program. Under the bill, the maximum handling fee established by DHFS may not be less than 350% of the dispensing fee under Medical Assistance for a prescription drug.

*Assembly Amendment 1* replaces the 350% figure in the bill with 300%. Therefore, the maximum handling fee established by DHFS by rule under the repository program may not be less than 300% of the Medical Assistance dispensing fee for prescription drugs.

**Legislative History**

On May 3, 2005, the Assembly Committee on Health introduced and recommended adoption of Assembly Amendment 1, and recommended passage of the bill as amended, on votes of Ayes, 12; Noes, 0.

RNS:jal