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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Public Health, Senior Issues, Long-Term Care, and Job Creation (SC-PHSILTCJC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Gigi Godwin (LRB) (November/2011)

January 28, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Carpenter, Coggs, Vinehout, Schultz
and Kapanke.

Absent: (0) None.

Moved by Senator Schultz, seconded by Senator Vinehout that
Senate Bill 455 be recommended for passage.

Ayes: (5) Senators Carpenter, Coggs, Vinehout,
Schultz and Kapanke.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Russell DeLong
Committee Clerk

Vote Record

Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Date: 1/28/10

Moved by: Schultz Seconded by: Vinehout

AB _____ SB 455 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Tim Carpenter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kathleen Vinehout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



Wisconsin Medical Society

Your Doctor. Your Health.

TO: Senate Public Health, Senior Issues, Long-Term Care & Job Creation
FROM: Chris Mambu Rasch, Government Relations Specialist
DATE: January 27, 2010
RE: Written testimony speaking in favor of SB 455 - prescription drugs that can be donated to a community clinic or charitable institution

On behalf of nearly 12,500 members statewide, the Wisconsin Medical Society and the Medical Society of Milwaukee County, thank you for this opportunity to speak in favor of SB 455, relating to allowing physicians to donate prescription drugs to community clinics or charitable institutions. These free clinics and federally qualified health centers provide an important safety net to those who are the most vulnerable.

Senate Bill 455 will allow physicians to be able to donate unused and sample drugs to the 50 community clinics throughout the State of Wisconsin. This is important because the patients who access the vital health care services of our community clinics have the most challenges to accessing prescription drugs for treatment.

But current law and processes act as roadblocks, which act as a deterrent for physicians to be able to donate drugs to vulnerable patient populations. Under this structure current law says:

Physician -> Community Clinic. - NO

Physician -> Charitable Organization -> Community Clinic. - NO

Exempting doctors, from needing to become licensed wholesale distributors or from following the pedigree law, will enable physicians to provide a significant additional benefit to community clinics and the patients they serve.

Additionally, we are confident the federal program and donation process is safe and secure, and that the community clinics will also ensure that the donated prescription drugs are used safely and effectively.

Thank you again for this opportunity to share with you the Wisconsin Medical Society and the Medical Society of Milwaukee County's support for SB 455. Both Societies appreciate your holding this hearing today and respectfully encourage you to vote in favor of SB 455.



WISCONSIN STATE LEGISLATURE



**Testimony from Representative Kristen Dexter**
January 27, 2010Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation
In support of SB 455

Chairman Carpenter, Committee members, thank you for convening today to hold this hearing on Senate Bill 455, relating to the donation of prescription drug samples to free and community clinics throughout our state.

Prescription medications serve a vital role in keeping patients healthy and are often prescribed in the community clinic setting. However, as the number of patients swell and clinics come under more financial strain, it becomes increasingly difficult to meet the growing need for free or low cost medications.

This bill would allow licensed WI practitioners to donate unused or excess prescription drug samples to clinics that serve populations in need. Current law regulates the wholesale distribution of prescription drugs (defined as the distribution of a prescription drug to a person other than a consumer or patient.) This bill adds an exception to the definition of *wholesale distribution* so that licensed WI practitioners may donate directly to charitable institutions. This is similar to the exception that allows a cancer and chronic disease drug repository.

Current Wisconsin law surrounding sample donation guidelines is different than the laws within the federal Prescription Drug Marketing Act. Over 10 years ago the federal government recognized the importance of providers' practice of charitable donations of unused medications. This bill will allow WI law to accurately reflect what is already in federal statutes.

Any community clinic organized as a 501(c)(3) corporation qualifies *federally* to receive donated drug samples from practitioners or other charitable organizations. The current donation process is safe and secure: It requires that:

- 1) No controlled substances may be donated;
- 2) Stringent recordkeeping requirements are in place,
- 3) Donations be in their unopened, original containers. The containers are examined by a pharmacist or practitioner to assure they are not expired or adulterated.

The Chippewa Valley Free Clinic in my hometown of Eau Claire has provided medical services to 40% more patients this year than last. The spike in patients, coupled with restrictive donation regulations, is creating an environment that is not conducive to supplying clinics like the one in Eau Claire with the medications they need.

Removing the wholesale distributor barrier for private sector donations to community clinics will further advance the state's intent of expanding health care access for Wisconsin's neediest individuals.

Again, thank you for convening today and I hope that we can work together to pass Senate Bill 455.



WISCONSIN STATE LEGISLATURE



Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Senator, Tim Carpenter, Chair

**Joint Testimony of Health Care Providers and Provider Organizations
2009 Senate Bill 455**

Relating to the donation of drug samples to charitable organizations

Room 300, Southeast, State Capitol

Wednesday, January 27, 2010, 10:05 a.m.

Chairperson Richards and members of the Committee, thank you for allowing me an opportunity to submit testimony in support of 2009 Senate Bill 455 (SB 455)

I represent the Dispensary of Hope, a not-for-profit social venture that specializes in helping communities leverage surplus donated medicine as a source of sustainable pharmaceutical access for low-income and underinsured populations. I support SB 455 because it seeks to remove barriers that currently restrict practitioners' ability to donate unused prescription drugs to community clinics and federally qualified health centers located throughout the State of Wisconsin.

From our experience, let me offer three important reasons to support SB 455:

- a) Free clinics, community health centers, and other safety net providers do not receive the same level of sample medications from pharmaceutical manufactures; therefore practitioners in safety net providers are not able to trial medications or provide initial free products in the same fashion as their peers in private practices.
- b) More than 10% of sample medications provided to private practices are considered surplus and are a source that could be re-directed to safety net providers. Furthermore, samples represent just one of many sources of surplus medicine in the pharmaceutical supply chain which represents billions of dollars of surplus medications.
- c) This solution has already been proven in at least 13 other states to the benefit of safety net providers and their patients as well as manufactures who are realizing the value of a more efficient supply chain. This solution has been approved by 20 pharmacy boards for its robust process integrity. To ensure "chain of custody" tracking, web-based tools and processes support the safety and security of drug donations, storage, ordering, and dispensing.

Over the past months, the Dispensary of Hope has worked with the leadership of several of the state's hospitals, community health centers, and patient advocates to share our expertise to accomplish their vision for Wisconsin. Founded in 2003 by a physician and group of healthcare businessmen who envisioned how better stewardship of America's billions of dollars of surplus medicine could provide a creative solution for patients that can't afford their medications, the Dispensary of Hope now supports similar efforts across thirteen states, including: Alabama, Arkansas, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, Pennsylvania, Tennessee, and Texas. The Dispensary of Hope is

licensed with the Board of Pharmacy in each of these states plus an additional seven states that plan on participating in 2010.

To ensure the highest levels of process integrity, as set forth by the Food and Drug Administration and State pharmacy boards, the Dispensary of Hope has developed process and web tools to provide chain of custody tracking through our eHope system and turn key donation and shipping partnership with UPS.

If passed, SB 455 would treat community clinics similar to the current state drug repository donation process. Under SB 455, any organization that is legally providing health care and is organized as a 501(c)(3) corporation qualifies under federal law to receive donated drugs directly from practitioners or other charitable organizations.

Eligible entities would be required to abide by federal donation guidelines. The donation process under the federal program is safe and secure: no controlled substances can be donated; stringent recordkeeping requirements are in place; and donations must be in their unopened, original containers, which are examined by a pharmacist or practitioner, to assure they are not expired or adulterated.

Please help us to utilize these valuable additional means to better serve patients in need by passing SB 455.

Thank you.

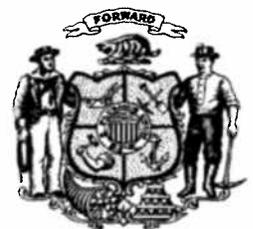
Daniel J. Simpson

A handwritten signature in black ink, appearing to read 'DJS', with a large, sweeping flourish extending to the right.

Chief Development Officer
Dispensary of Hope



WISCONSIN STATE LEGISLATURE





Aurora Health Care®



Badger Association
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Columbia St. Mary's
A Passion For Patient Care



HEALTH WATCH



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MILWAUKEE HEALTH CARE
PARTNERSHIP



PHARMACY
SOCIETY OF
WISCONSIN



Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Senator, Tim Carpenter, Chair

Joint Testimony of Health Care Providers and Provider Organizations 2009 Senate Bill 455

Relating to the donation of drug samples to charitable organizations

Room 300, Southeast, State Capitol

Wednesday, January 27, 2010, 10:05 a.m.

Chairperson Carpenter and members of the Committee, thank you for the opportunity to submit testimony in support of 2009 Senate Bill 455.

We urge passage of SB 455, which seeks to remove barriers that currently restrict practitioners' ability to donate unused prescription drug samples to the 50 community clinics and federally qualified health centers located throughout the State of Wisconsin.

Community clinics and health centers provide valuable health care safety net services to vulnerable populations by providing comprehensive and community oriented primary health care services, while also decreasing expensive and unnecessary emergency room utilization. Wisconsin has 17 community health centers with over 70 sites state-wide.

Prescription medications serve a vital role in keeping patients healthy and are often prescribed when patients receive health services at community clinics and health centers, such as for well-child, prenatal and perinatal services and chronic disease management. However, it is often challenging to meet the growing need for free or low cost medications, especially in the community clinic or health center setting.

SB 455 presents an opportunity to expand the availability of medications in community clinics by allowing licensed Wisconsin practitioners to donate unused or excess prescription drug samples to clinics and centers that serve populations in need.

If passed, SB 455 would treat community clinics and health centers similar to the current state drug repository donation process. Under SB 455, any community clinic and health center organized as a 501(c)(3) corporation qualifies federally to receive donated drug samples directly from practitioners or other charitable organizations.

The donation process under the federal program is safe and secure: no controlled substances can be donated; stringent recordkeeping requirements are in place; and donations must be in their unopened, original containers, which are examined by a pharmacist or practitioner, to assure they are not expired or adulterated.

Please help us to utilize these valuable additional means to better serve our patients in need by passing SB 455.

Thank you.

Gordon Derzon
Interim Chief Executive Officer
Access Community Health Centers

Rachel Roller
Vice President, Government Affairs
Aurora Health Care

Patrick Brown
Executive Director
Badger Association of the Blind
and the Visually Impaired

Paul Westrick
VP, Mission Integration & Advocacy
Columbia St. Mary's

Lynn Breedlove
Executive Director
Disability Rights Wisconsin

N. Lee Carroll
Executive Director
Health Care for the Homeless of Milwaukee

Tom Hlavacek
Co-Chair
Make It Work Milwaukee Coalition

H. Bruce Kruger
Executive Vice President
The Medical Society of Milwaukee County

Kari Lerch
Co-Chair
Milwaukee Health Coalition

Tom Engels
Vice President
Pharmacy Society of Wisconsin

Jenni Sevenich
CEO
Westside Healthcare Association, Inc.

Bill Bazan
VP, Metro Milwaukee
Wisconsin Hospital Association

Melinda Kiltz
Trust Coordinator
ARC of Greater Milwaukee

Steve Ohly
Aurora Walker's Point Community Clinic

Barbara A. Horner-Ibler
Medical Director
The Bread of Healing Clinic

David R. Riemer
Director of Policy & Planning
Community Advocates Public Policy Institute

Jacqueline Sills-Ware
Co-Convenor
The Free Clinic Collaborative

Barb Tylenda
Executive Director
Health Care Network, Inc.

Barbara Beckert
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Make It Work Milwaukee Coalition

Joy Tapper
Milwaukee Health Care Partnership

CC Henderson
President
Milwaukee Health Services

Lynne J. Oelke
President & CEO
St. Catherine Residence

Tom Petri
Director of Policy and Communications
Wisconsin Primary Health Care Association



WISCONSIN STATE LEGISLATURE



JIM SULLIVAN
STATE SENATOR



5TH SENATE DISTRICT

Wisconsin State Senate

**Testimony of Senator Jim Sullivan Regarding Senate Bill 455:
Amending statutes that restrict the wholesale distribution of sample drugs to
charitable institutions
January 27, 2010**

Good morning Chairman Carpenter and members of the committee. Thank you for holding a public hearing on Senate Bill 455, which will allow licensed practitioners to donate unused prescription drug samples to charitable institutions throughout Wisconsin.

Passage of this bill would help the growing need for free or low cost medications in clinics and health care centers throughout the state of Wisconsin. Community clinics provide affordable health care to those in need and offer a less expensive alternative to high-cost emergency room visits. SB 455 would allow licensed Wisconsin practitioners to donate their unused prescription drug samples to community clinics in a manner similar to the current state drug repository donation process.

The process is both safe and secure as it requires that drugs be inspected by a pharmacist or practitioner to assure that they are not expired or adulterated, and that they be sent in their sealed, original container. The process also requires strict recordkeeping of all donations.

Recommending passage of this bill will help make medication more available in community clinics state-wide and prevent the waste of expensive, unused prescription drugs. Thank you, and please do not hesitate to contact me if you have questions.

