

State of Wisconsin



2017 Assembly Bill 125

Date of enactment: **June 21, 2017**
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2017 WISCONSIN ACT 19

AN ACT to amend 450.11 (5) (a); and to create 450.11 (5) (bm) of the statutes; relating to: prescription order extensions for when a refill authorization cannot be obtained.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 450.11 (5) (a) of the statutes is amended to read:

450.11 (5) (a) ~~No~~ Except as provided in par. (bm), no prescription may be refilled unless the requirements of sub. (1) and, if applicable, sub. (1m) have been met and written, oral, or electronic authorization has been given by the prescribing practitioner. Unless the prescribing practitioner has specified in the prescription order that dispensing a prescribed drug in an initial amount followed by periodic refills as specified in the prescription order is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of the prescribed drug per fill up to the total number of dosage units authorized by the prescribing practitioner in the prescription order including any refills, subject to par. (b).

SECTION 2. 450.11 (5) (bm) of the statutes is created to read:

450.11 (5) (bm) 1. In the event a pharmacist receives a request for a prescription to be refilled and the prescription cannot be refilled as provided in par. (a), the pharmacist may, subject to subd. 2. a. to e., extend the existing prescription order and dispense the drug to the patient, if all of the following apply:

a. The pharmacist has been unsuccessful in attempting to procure a new prescription order or refill authoriza-

tion for the drug after attempting to contact the prescribing practitioner or his or her office.

b. The patient is on a consistent drug therapy program and the patient has previously refilled the prescription at that pharmacy or through another pharmacy in the same pharmacy chain.

c. The drug is essential to the life of the patient, or the interruption of the drug therapy could result in undesirable consequences for the patient's health.

d. The pharmacist has not received and is not aware of written or oral instructions from the prescribing practitioner prohibiting further dispensing pursuant to or extension of the prescription order.

2. a. A prescribing practitioner may indicate, by writing on the face of the prescription order or, with respect to a prescription order transmitted electronically, by designating in electronic format the phrase "No extensions," or words of similar meaning, that no extension of the prescription order may be made under subd. 1. If such indication is made, the pharmacist may not extend the prescription order under subd. 1.

b. A pharmacist acting under subd. 1. may not extend a prescription order to dispense more than a 7-day supply of the prescribed drug, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 7-day supply, the pharmacist may extend the prescription order as neces-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

sary to dispense the drug in the smallest quantity in which it is typically packaged.

c. A pharmacist may not extend a prescription order under subd. 1. for a drug that is a controlled substance.

d. A pharmacist may not extend a prescription order under subd. 1. for a particular patient if a prescription

order was previously extended under subd. 1. for that patient in the previous one-year period for that drug.

e. A pharmacist shall, at the earliest reasonable time after acting under subd. 1., notify the prescribing practitioner or his or her office.
