



2017 ASSEMBLY BILL 125

March 6, 2017 - Introduced by Representatives KOLSTE, NYGREN, JAGLER, HORLACHER, BALLWEG, KREMER, GENRICH, ROHRKASTE, TITTL, RIPP, SPIROS, BORN, C. TAYLOR, R. BROOKS, E. BROOKS, BERCEAU, VRUWINK, SARGENT, SPREITZER, POPE, PETERSEN, MASON, DOYLE, SUBECK, STEFFEN, CONSIDINE, FIELDS, HESSELBEIN, STUCK, TAUCHEN, WEATHERSTON, GOYKE, CROWLEY, BERNIER, SINICKI, HEBL, OHNSTAD, MILROY, KNODL, BROSTOFF, ANDERSON, RIEMER, ZAMARRIPA, EDMING, BILLINGS, SHANKLAND, STAFSHOLT, HUTTON and BARCA, cosponsored by Senators VUKMIR, JOHNSON, CARPENTER, RINGHAND, COWLES, WIRCH, MARKLEIN, PETROWSKI, OLSEN, HANSEN, TESTIN, C. LARSON, RISSER, BEWLEY, HARSORF, NASS and VINEHOUT. Referred to Committee on Health.

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

Analysis by the Legislative Reference Bureau

This bill allows a pharmacist to extend a prescription drug order under certain circumstances where authorization for a refill cannot be obtained and dispense a limited supply of the drug for the patient, subject to certain limitations.

Under current law, no prescription may be refilled unless certain requirements that apply to prescription orders are satisfied and written, oral, or electronic authorization has been given by the prescribing practitioner.

Under this bill, in the event a pharmacist receives a request for a prescription to be refilled and the prescription cannot otherwise be refilled as provided under law, the pharmacist may extend the existing prescription order and dispense (provide) the drug to the patient if 1) the pharmacist has been unsuccessful in attempting to procure a new prescription order or refill authorization from the prescribing practitioner after attempting to contact the prescribing practitioner or his or her office; 2) the patient is on a consistent drug therapy program and has previously refilled the prescription at that pharmacy or through another pharmacy in the same pharmacy chain; 3) 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; and 4) the pharmacist has not received and is not otherwise aware of instructions from the prescribing practitioner prohibiting further dispensing pursuant to or extension of the prescription order.

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Under the bill, however, the following limitations apply: 1) a prescribing practitioner may indicate in a prescription order “no extensions,” in which case the pharmacist would be prohibited from extending the prescription order as provided in the bill; 2) the authority may not be used by a pharmacist to dispense more than a seven-day supply of the prescribed drug or the minimum amount necessary to dispense at least a seven-day supply of the drug, whichever is less; 3) a pharmacist may not extend a prescription order for a controlled substance; 4) a pharmacist may not extend a prescription order for a particular patient if a prescription order was previously extended for that patient in the previous one-year period for that drug; and 5) the pharmacist, after extending a prescription order and dispensing the drug to the patient, must notify the prescribing practitioner or his or her office.

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

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

2 450.11 (5) (a) ~~No~~ Except as provided in par. (bm), no prescription may be refilled
3 unless the requirements of sub. (1) and, if applicable, sub. (1m) have been met and
4 written, oral, or electronic authorization has been given by the prescribing
5 practitioner. Unless the prescribing practitioner has specified in the prescription
6 order that dispensing a prescribed drug in an initial amount followed by periodic
7 refills as specified in the prescription order is medically necessary, a pharmacist may
8 exercise his or her professional judgment to dispense varying quantities of the
9 prescribed drug per fill up to the total number of dosage units authorized by the
10 prescribing practitioner in the prescription order including any refills, subject to par.
11 (b).

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

13 450.11 (5) (bm) 1. In the event a pharmacist receives a request for a prescription
14 to be refilled and the prescription cannot be refilled as provided in par. (a), the
15 pharmacist may, subject to subd. 2. a. to e., extend the existing prescription order and
16 dispense the drug to the patient, if all of the following apply:

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1 a. The pharmacist has been unsuccessful in attempting to procure a new
2 prescription order or refill authorization for the drug after attempting to contact the
3 prescribing practitioner or his or her office.

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

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

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

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

18 b. A pharmacist acting under subd. 1. may not extend a prescription order to
19 dispense more than a 7-day supply of the prescribed drug, except that if the drug is
20 typically packaged in a form that requires a pharmacist to dispense the drug in a
21 quantity greater than a 7-day supply, the pharmacist may extend the prescription
22 order as necessary to dispense the drug in the smallest quantity in which it is
23 typically packaged.

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

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1 d. A pharmacist may not extend a prescription order under subd. 1. for a
2 particular patient if a prescription order was previously extended under subd. 1. for
3 that patient in the previous one-year period for that drug.

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

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(END)