

CHAPTER 314

AN ACT to amend 200.26 (1), (2), (a) and (c) and 209.04 (11) (intro. par.); and to create 151.16 and 151.17 of the statutes, relating to the continuation and powers of the Wisconsin pharmaceutical association.

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

SECTION 1. 151.16 and 151.17 of the statutes are created to read:

151.16 WISCONSIN PHARMACEUTICAL ASSOCIATION. The Wisconsin pharmaceutical association is continued with the general powers of a domestic nonstock corporation. It may take by purchase or gift and hold real and personal property. It may adopt, alter and enforce bylaws and rules for the admission and expulsion of members, the election of officers and the management of its affairs.

151.17 PREPAID PRESCRIPTION PLANS AUTHORIZED. (1) The Wisconsin pharmaceutical association may establish in the state, a non-profit plan on a prepayment or other basis for the pharmaceutical services of the general population, or any segment of it, through contracts with pharmacists, members of the public, any branch of government, and others; provided only that free choice of the public in the selection of a pharmacist shall be retained in such contracts, and that the responsibility of the pharmacist to the individual patient together with all other contract and tort relationships between pharmacist and patient, shall remain the same as if contractual arrangements between them were direct. Any person covered by or insured under such plan, or someone acting for him, shall be free to choose for pharmaceutical services any pharmacist licensed to practice in this state who has agreed to abide by the terms of such plan. No such pharmacist shall be required to participate exclusively in any such plan.

(2) Any such plan shall be subject to all applicable provisions of ss. 200.26 and 209.04 (11).

(3) This section shall apply exclusively to a corporation or other organization organized, recognized or operated under s. 151.16 or this section.

(4) The Wisconsin pharmaceutical association may: (a) establish a nonprofit pharmaceutical service plan within its corporate structure; (b) approve for itself and its members a pharmaceutical service plan established by a nonpharmaceutical organization, when the association finds a plan of the latter type to be in the public health interest; or (c) organize a corporation with authority to establish a nonprofit pharmaceutical service plan, which corporation shall be subject to subs. (1) and (2).

(5) So as to encourage experimentation in the health and economic interests of the general public, any plan organized or approved under this section may operate on a service, indemnity or a combined service and indemnity basis.

SECTION 2. 200.26 (1), (2) (a) and (c) of the statutes are amended to read:

200.26 (1) As used in this section unless the context clearly implies otherwise: "Organization" means any society, organization or corporation, operating a plan of sickness care as permitted by ch. 148, * * * hospital service as permitted by s. 182.032, or a prepaid prescription plan as permitted by s. 151.17; but when any such plan is operated by any division or agency of any such society, organization or corporation then the term "organization" means only such division or agency.

(2) (a) A written declaration defining the organization and structure and area of operation of each existing or proposed plan for sickness care as permitted by ch. 148, * * * hospital service as permitted by s. 182.032, or a *prepaid prescription plan as permitted by s. 151.17*, and any amendments thereto.

(c) Each form of contract or contractual agreement executed or proposed to be executed by and between the organization and any physicians, *pharmacists*, hospital, public party or others embodying the terms under which sickness care as permitted by ch. 148 * * * , hospital service as permitted by s. 182.032, or *prepaid prescription plan as permitted by s. 151.17* is to be furnished to subscribers to the plan.

SECTION 3. 209.04 (11) (intro. par.) of the statutes is amended to read:

209.04 (11) (intro. par.) NONPROFIT SICKNESS CARE, HOSPITAL SERVICE AND PREPAID PRESCRIPTION PLANS. For the purpose of regulating agents of nonprofit sickness care plans as organized under ch. 148 * * * , hospital service plans as organized under s. 182.032 or *prepaid prescription plans as organized under s. 151.17*:

Approved September 5, 1963.