



State of Wisconsin
2015 - 2016 LEGISLATURE

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2015 ASSEMBLY BILL 120

March 27, 2015 - Introduced by Representatives HUTTON, E. BROOKS, KOOYENGA, BALLWEG, CZAJA, MURPHY, EDMING, QUINN, HINTZ and THIESFELDT, cosponsored by Senators GUDEX, MARKLEIN, NASS, OLSEN, WANGGAARD and VUKMIR. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to create** 15.145 (6), 301.103 and 450.01 (16) (hr) of the statutes;
2 **relating to:** creating a Corrections System Formulary Board in the
3 Department of Corrections, therapeutic alternate drug selections in the state
4 correctional system, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a licensed pharmacist may make therapeutic alternate drug selections, if made in accordance with written guidelines or procedures (a formulary) previously established by: 1) a pharmacy and therapeutics committee of a hospital and approved by the hospital's medical staff, for patients in a hospital; or 2) a quality assessment and assurance committee of a nursing home, for patients in a nursing home. The use of the therapeutic alternate drug selection must have been approved for a patient during the period of the patient's stay within the hospital or nursing home by the patient's attending physician, physician assistant, or, in the case of a hospital, the patient's advanced practice nurse prescriber.

This bill creates a Corrections System Formulary Board (board) in the Department of Corrections (DOC), to consist of two physicians, one of whom is a psychiatrist, a pharmacist, and, at the discretion of the secretary of corrections (secretary), other members, all appointed by the secretary. The bill requires the board to promulgate rules to establish a formulary for prisoners confined in state correctional institutions and allows a pharmacist to make therapeutic alternate drug selections in accordance with that formulary, if approved for a prisoner during his or her period of confinement in a state correctional institution by a physician, an

ASSEMBLY BILL 120

advanced practice nursing prescriber, or a physician assistant. The bill requires that the formulary established by the board apply uniformly within all state correctional institutions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.145 (6) of the statutes is created to read:

2 15.145 (6) CORRECTIONS SYSTEM FORMULARY BOARD. There is created in the
3 department of corrections a corrections system formulary board. The board shall
4 consist of the following members appointed to serve at the pleasure of the secretary
5 of corrections:

6 (a) Two physicians, as defined in s. 448.01 (5), one of whom specializes in
7 psychiatry.

8 (b) A pharmacist, as defined in s. s. 450.01 (15).

9 (c) Any other members appointed by the secretary in his or her discretion.

10 **SECTION 2.** 301.103 of the statutes is created to read:

11 **301.103 Prescription drug formulary.** The corrections system formulary
12 board shall promulgate rules establishing written guidelines or procedures for
13 making therapeutic alternate drug selections for the purposes of s. 450.01 (16) (hr).
14 Rules promulgated under this section shall apply uniformly within all state
15 correctional institutions.

16 **SECTION 3.** 450.01 (16) (hr) of the statutes is created to read:

17 450.01 (16) (hr) Making therapeutic alternate drug selections in accordance
18 with written guidelines or procedures previously established in rules promulgated
19 by the corrections system formulary board under s. 301.103, if the use of the

ASSEMBLY BILL 120

1 therapeutic alternate drug selection has been approved for a prisoner, as defined in
2 s. 301.01 (2), during his or her period of confinement in a state correctional
3 institution, as defined in s. 301.01 (4), by any of the following:

- 4 1. A physician.
- 5 2. An advanced practice nurse prescriber.
- 6 3. A physician assistant.

7 (END)