

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0185/1dn

DAK:wlj:km

September 21, 2000

To Representative Krusick:

1. Under your revised instructions, I changed the initial applicability and effective date for the program to January 1, 2002, and specified that the funding is for fiscal year 2001-02; okay?

2. As requested, I deleted the prior authorization requirements with respect to medical assistance; however, I left untouched the prior authorization requirements for the prescription drug program itself (see s. 49.688 (11)); okay? Note also that I advanced the dates to January 1, 2002, to June 30, 2004, under that subsection.

3. As part of the "spenddown" language, I included in s. 49.688 (4) a requirement that DHFS promulgate rules that specify the criteria to be used to determine the household income of an applying person. I also excluded this rule-making requirement and DHFS's general rule-making authority from the powers of an entity with which DHFS may contract to administer the program.

4. Because s. 49.688 (8) requires that DHFS pay pharmacies and pharmacists a dispensing fee under the program, I have added to s. 49.688 (6) (b) 2. a provision that prohibits pharmacies and pharmacists from charging eligible persons dispensing fees. (Pharmacies and pharmacists may charge dispensing fees for drug purchases for amounts that can be added to reach both the spenddown and the annual deductible, but are excluded after a person meets the deductible amount, so that pharmacies and pharmacists aren't reimbursed both by the consumer and by DHFS.)

5. Section 16.47 (2), stats., does not permit either house of the legislature to pass a bill that contains an appropriation of or increases the cost of state government by more than \$10,000, except for emergency appropriations bills, until the budget bill has passed both houses. Even though the appropriation under s. 20.435 (4) (bv) shows zero dollar amounts, at your request, if this bill is introduced and enacted as an emergency measure prior to passage of the budget, that appropriation will, as part of the act, be repealed by action of the budget bill (which repeals and recreates the appropriations schedule) unless you have also amended the budget bill to include the correct appropriation line amount. You may, instead, wish to consider having this bill redrafted as an amendment to the budget bill. Alternatively, you may wish to include an effective date for the bill that is later than the projected date for passage of the budget bill (the general effective date is upon publication, although the program is, in

the text, specified to begin January 1, 2002). Last, you may, instead, wish to introduce this bill after passage of the budget bill; if that is done, please check with me after budget bill passage to ensure that the numbers for created statutes in this bill have not been supplanted by the budget bill.

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