

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: **03/11/2002**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8017**

By/Representing: **Carabell**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - mcd. assist.**

Extra Copies: **MJL**

Submit via email: **NO**

Pre Topic:

LFB:.....Carabell -

Topic:

MA and Badger care prior authorization for prescription drugs

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 03/12/2002	gilfokm 03/12/2002	rschluet 03/12/2002	_____	lrb_docadmin 03/12/2002		
/2	kenneda 03/13/2002	gilfokm 03/13/2002	pgreensl 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

<END>

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FE Sent For:

12-3/13
KMG
3/13
PH <END>

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
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/?	kenneda	3/12 KMG		 3-12-02 JC			

FE Sent For:

<END>

ARC

S:\lfb share\summary\RC prior authorization.c

Post-It® Fax Note 7671		Date 3/9	# of pages 3
To Debora Kennedy	From Rachel Carabel		
Co./Dept. LRB	Co. LFB		
Phone #	Phone #		
Fax #	Fax #		

1. MA AND BADGERCARE PRIOR AUTHORIZATION FOR PRESCRIPTION DRUGS

Assembly: Prohibit DHFS from establishing prior authorization policies for prescription drugs used to treat respiratory illnesses, mental illness or diabetes.

Additionally, require DHFS to make publicly available, written medical, pharmacological or economic rationale supporting a proposal to require prior authorization for a prescription drug under MA and BadgerCare and to accept public comments, including comments from medical and pharmaceutical professionals and other interested individuals before DHFS establishes a prior authorization requirement for a prescription drug under MA and BadgerCare.

Further, require DHFS, every six months ~~month~~, to review and reconsider its prior authorization policies for each prescription drug subject to prior authorization requirements. Require DHFS to accept public testimony in its review and reconsideration process.

Applies to all

Applies to expansion

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TUESDAY 3/12
 State of Wisconsin
 2001 - 2002 LEGISLATURE
 January 2002 Special Session

LRBb2387/1
 DAK:.....

[Handwritten signature]

LFB:.....Carabell – MA and Badger care prior authorization for prescription drugs

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 38, line 21: delete lines 21 and 22 and substitute:

3 "SECTION ^{No} 49.45 ⁽⁴⁹⁾ of the statutes is created to read:

4 49.45 (49) PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) In this subsection,
 5 "prescription drug" means a prescription drug, as defined in s. 450.01 (20), that is
 6 included in the legend drugs under s. 49.46 (2) (b) 6. h. and that may be prescribed
 7 for a medical assistance or badger care recipient.

8 (b) The department may not establish prior authorization policies for a
 9 prescription drug that is used to treat respiratory illness~~##~~, mental illness, or
 10 diabetes.

1 (c) Before the department establishes a requirement for prior authorization for
2 a prescription drug, the department shall do all of the following:

3 1. Send written notice of a public meeting concerning the prior authorization
4 to all of the following: *of statutes*

5 a. The revisor, for publication in the Wisconsin administrative register under
6 s. 35.93. ✓ ✓

7 b. The secretary of administration.

8 c. Appropriate standing committees of the legislature, in the manner provided
9 under s. 13.172 (3).

10 2. Take any action that the department considers necessary to provide notice
11 of a public meeting concerning the prior authorization to other interested persons.

12 3. At the beginning of the public meeting, present a summary of the medical,
13 pharmacological, or economic rationale on which the prior authorization
14 requirement is based, including any information obtained from the prescription drug
15 prior authorization committee under par. (p). *STET*

16 4. Afford each interested person or a representative the opportunity to present
17 oral or written facts, opinion, or argument.

18 5. Keep a record of the meeting in a manner that the department considers
19 desirable and feasible.

20 6. Limit oral presentations if the ~~meeting~~ *meeting* would be unduly lengthened by
21 repetitious testimony.

22 7. If appropriate, question the persons presenting facts, opinion, or argument.

23 (d) By October 1, 2002, and every 6 months thereafter, the department shall
24 review and reconsider prior authorization policies for each prescription drug that is

1 subject to prior authorization requirements. For the review and reconsideration, the
2 department shall do all of the following:

3 1. Send written notice of a public meeting concerning the review and
4 reconsideration to all of the following:

5 a. The revisor ^{of statutes} for publication in the Wisconsin administrative register under
6 s. 35.93.

7 b. The secretary of administration.

8 c. Appropriate standing committees of the legislature, in the manner provided
9 under s. 13.172 (3).

10 2. Take any action that the department considers necessary to provide notice
11 of a public meeting concerning the review and reconsideration to other interested
12 persons.

13 3. At the beginning of the public meeting, present a summary of the medical,
14 pharmacological, or economic rationale on which the prior authorization
15 requirement is based, including any information obtained from the prescription drug
16 prior authorization committee under par. (e).

17 4. Afford each interested person or a representative the opportunity to present
18 oral or written facts, opinion, or argument.

19 5. Keep a record of the meeting in a manner that the department considers
20 desirable and feasible.

21 6. Limit oral presentations if the meeting would be unduly lengthened by
22 repetitious testimony.

23 7. If appropriate, question the persons presenting facts, opinion, or argument.

24 (e) The secretary shall”.

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✓ 2. Page 39, line 8: delete "(b)" and substitute "(~~g~~)".

✓ 3. Page 43, line 21: after that line insert:

No CS
"SECTION 1289. 49.665 (5r) of the statutes is created to read:

49.665 (5r) PRIOR AUTHORIZATION OF PRESCRIPTION DRUGS. Prior authorization requirements for prescription drugs for which a recipient of badger care has coverage under this section are subject to s. 49.45 (49) (b), (c), and (d)."

✓ 4. Page 435, line 24: after that line insert:

fw
"(1) PRIOR AUTHORIZATION OF PRESCRIPTION DRUGS. The treatment of sections 49.45 (49) (c) and 49.665 (5r) of the statutes first applies to a requirement for prior authorization for a prescription drug that is made by the department of health and family services on the effective date of this subsection."

omit copy

(END)

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 3/13

CONVERSATION WITH: Rachel Carabell

OF: LFB

TELEPHONE NO:

REGARDING LRB # OR DRAFT TOPIC: b 2387

INSTRUCTIONS: Remove references to badger care



WED
State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2387/2
DAK:kmg

✓
LFB:.....Carabell – MA and Badger care prior authorization for prescription drugs

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 38, line 21: delete lines 21 and 22 and substitute:

3 “**SECTION 122b.** 49.45 (49) of the statutes is created to read:

4 49.45 (49) PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) In this subsection,

5 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is

6 included in the legend drugs under s. 49.46 (2) (b) 6. h. and that may be prescribed

7 for a medical assistance ~~or badger care~~ recipient.

8 (b) The department may not establish prior authorization policies for a

9 prescription drug that is used to treat respiratory illness, mental illness, or diabetes.

held a public meeting concerning the
prior authorization, for which the
department shall

1 (c) Before the department establishes a requirement for prior authorization for
2 a prescription drug, the department shall do all of the following:

3 1. Send written notice of a public meeting concerning the prior authorization
4 to all of the following: *the*

5 a. The revisor of statutes, for publication in the Wisconsin Administrative
6 Register under s. 35.93.

7 b. The secretary of administration.

8 c. Appropriate standing committees of the legislature, in the manner provided
9 under s. 13.172 (3).

10 2. Take any action that the department considers necessary to provide notice
11 of a public meeting concerning the prior authorization to other interested persons.

12 3. At the beginning of the public meeting, present a summary of the medical,
13 pharmacological, or economic rationale on which the prior authorization
14 requirement is based, including any information obtained from the prescription drug
15 prior authorization committee under par. (e).

16 4. Afford each interested person or a representative the opportunity to present
17 oral or written facts, opinion, or argument.

18 5. Keep a record of the meeting in a manner that the department considers
19 desirable and feasible.

20 6. Limit oral presentations if the meeting would be unduly lengthened by
21 repetitious testimony.

22 7. If appropriate, question the persons presenting facts, opinion, or argument.

23 (d) By October 1, 2002, and every 6 months thereafter, the department shall
24 review and reconsider prior authorization policies for each prescription drug that is

hold a public meeting concerning the review and reconsideration, for which the department shall

1 subject to prior authorization requirements. ~~For the review and reconsideration,~~ the

2 department shall do all of the following:

3 1. Send written notice of ~~a~~ ^{the} public meeting ~~concerning the review and~~
4 ~~reconsideration~~ to all of the following:

- 5 a. The revisor of statutes, for publication in the Wisconsin Administrative
- 6 Register under s. 35.93.
- 7 b. The secretary of administration.
- 8 c. Appropriate standing committees of the legislature, in the manner provided
- 9 under s. 13.172 (3).

10 2. Take any action that the department considers necessary to provide notice
11 of ~~a~~ ^{the} public meeting ~~concerning the review and reconsideration~~ to other interested
12 persons.

13 3. At the beginning of the public meeting, present a summary of the medical,
14 pharmacological, or economic rationale on which the prior authorization
15 requirement is based, including any information obtained from the prescription drug
16 prior authorization committee under par. (e).

17 4. Afford each interested person or a representative the opportunity to present
18 oral or written facts, opinion, or argument.

19 5. Keep a record of the meeting in a manner that the department considers
20 desirable and feasible.

21 6. Limit oral presentations if the ~~meeting~~ ^{meeting} would be unduly lengthened by
22 repetitious testimony.

23 7. If appropriate, question the persons presenting facts, opinion, or argument.

24 (e) The secretary shall".

1 **2.** Page 39, line 8: delete "(b)" and substitute "(f)".

2 **3.** Page 43, line 21: after that line insert:

3 "SECTION 128s. 49.665 (5r) of the statutes is created to read:

4 49.665 (5r) PRIOR AUTHORIZATION OF PRESCRIPTION DRUGS. Prior authorization
5 requirements for prescription drugs for which a recipient of badger care has coverage
6 under this section are subject to s. 49.45 (49) (b), (c), and (d)."

7 **4.** Page 435, line 24: after that line insert:

8 "(1w) PRIOR AUTHORIZATION OF PRESCRIPTION DRUGS. The treatment of section ✓

9 49.45 (49) (c) ~~and 49.665 (5r)~~ of the statutes first applies to a requirement for prior
10 authorization for a prescription drug that is made by the department of health and
11 family services on the effective date of this subsection."

12

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2387/2
DAK:kmg:pg

LFB:.....Carabell – MA and Badger care prior authorization for prescription drugs

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1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 38, line 21: delete lines 21 and 22 and substitute:

3 “SECTION 122b. 49.45 (49) of the statutes is created to read:

4 49.45 (49) PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) In this subsection,
5 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is
6 included in the legend drugs under s. 49.46 (2) (b) 6. h. and that may be prescribed
7 for a medical assistance recipient.

8 (b) The department may not establish prior authorization policies for a
9 prescription drug that is used to treat respiratory illness, mental illness, or diabetes.

1 (c) Before the department establishes a requirement for prior authorization for
2 a prescription drug, the department shall hold a public meeting concerning the prior
3 authorization, for which the department shall do all of the following:

- 4 1. Send written notice of the public meeting to all of the following:
- 5 a. The revisor of statutes, for publication in the Wisconsin Administrative
 - 6 Register under s. 35.93.
 - 7 b. The secretary of administration.
 - 8 c. Appropriate standing committees of the legislature, in the manner provided
 - 9 under s. 13.172 (3).
- 10 2. Take any action that the department considers necessary to provide notice
- 11 of the public meeting to other interested persons.
- 12 3. At the beginning of the public meeting, present a summary of the medical,
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- 14 requirement is based, including any information obtained from the prescription drug
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- 16 4. Afford each interested person or a representative the opportunity to present
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23 (d) By October 1, 2002, and every 6 months thereafter, the department shall
24 review and reconsider prior authorization policies for each prescription drug that is
25 subject to prior authorization requirements. The department shall hold a public

1 meeting concerning the review and reconsideration, for which the department shall
2 do all of the following:

3 1. Send written notice of the public meeting to all of the following:

4 a. The revisor of statutes, for publication in the Wisconsin Administrative
5 Register under s. 35.93.

6 b. The secretary of administration.

7 c. Appropriate standing committees of the legislature, in the manner provided
8 under s. 13.172 (3).

9 2. Take any action that the department considers necessary to provide notice
10 of the public meeting to other interested persons.

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13 requirement is based, including any information obtained from the prescription drug
14 prior authorization committee under par. (e).

15 4. Afford each interested person or a representative the opportunity to present
16 oral or written facts, opinion, or argument.

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18 desirable and feasible.

19 6. Limit oral presentations if the meeting would be unduly lengthened by
20 repetitious testimony.

21 7. If appropriate, question the persons presenting facts, opinion, or argument.

22 (e) The secretary shall”.

23 **2.** Page 39, line 8: delete “(b)” and substitute “(f)”.

24 **3.** Page 435, line 24: after that line insert:

