

2003 DRAFTING REQUEST

Bill

Received: **09/22/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing: **Bruce (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of federal registration numbers required for controlled substances prescribers

Instructions:

Same as 03-2697/2

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>
/?	dkennedy 09/22/2003	jdye 09/23/2003		_____			
/1			jfrantze 09/23/2003	_____	sbasford 09/23/2003	sbasford 09/23/2003 sbasford 09/23/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*None
needed*

<END>

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/?	dkennedy	9/23 jld	09/23	Buly 9/23			

FE Sent For:

<END>

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: DAK) (Date: 09 / 22 / 03)



Please transfer the drafting file for

2001 LRB _____ to the drafting file

for 2003 DRB _____

The final version of the 2001 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new copy sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

✓ — OR —

Please copy the drafting file for

2003 LRB -2697 / 2 and place it in the drafting file

for 2003 LRB -2332

For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

Soon - In edit 9/22

2003 - 2004 LEGISLATURE

3332/1
LRB-2697/2
RJR:ld:rs
DAK: jld

2003 BILL

Regen

1 AN ACT to create 146.87 of the statutes; relating to: use of federal registration
2 numbers required for prescribers of controlled substances and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

Federal law requires certain people and entities that manufacture, distribute, prescribe, dispense, or administer controlled substance to register with the federal Drug Enforcement Administration (DEA) and obtain a DEA number. Controlled substances include opiates, hallucinogenic substances, depressants, stimulants, and narcotics. Under federal law, a person who prescribes a controlled substance must include his or her DEA number on the prescription. Federal law prohibits a pharmacist from dispensing a controlled substance if the prescriber's DEA number is not included on the prescription for the controlled substance.

Also under federal law, the U.S. Health Insurance Portability and Accountability Act, commonly known as "HIPAA," requires the U.S. Department of Health and Human Services to adopt a unique identifier that health care providers will be required to use.

This bill prohibits any person from requiring that a person authorized to prescribe drugs (practitioner) include his or her DEA number on a prescription for a drug or device that is not a controlled substance. The bill further prohibits any person from disclosing a practitioner's DEA number without the practitioner's consent for any purpose other than complying with or enforcing federal or state law related to controlled substances. Finally, the bill prohibits any person from using a

BILL

practitioner's DEA number without the practitioner's consent to identify or monitor the practitioner's prescribing practices for purposes other than complying with or enforcing federal or state law related to controlled substances. Under the bill, these prohibitions are effective 12 months after the effective date of a U.S. Department of Health and Human Services HIPAA regulation that requires use of unique identifiers for health care providers.

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

1 **SECTION 1.** 146.87^X of the statutes is created to read:

2 **146.87 Federal registration numbers for prescribers of controlled**
3 **substances.** (1) In this section:

4 (a) "Controlled substance" has the meaning given in s. 961.01 (4).

5 (b) "Federal registration number" means the registration number required
6 under 21 USC 822 for practitioners who prescribe controlled substances.

7 (c) "Health care provider" has the meaning given in 42 USC 1320d (3).

8 (d) "Practitioner" has the meaning given in s. 450.01 (17).

9 (e) "Prescription order" has the meaning given in s. 450.01 (21).

10 (2) Beginning on the first day of the 12th month beginning after the effective
11 date of a U.S. Department of Health and Human Services regulation under 42 USC
12 1320d-2 (b) that requires use of a unique identifier for health care providers, no
13 person may do any of the following:

14 (a) Require that a practitioner include his or her federal registration number
15 on a prescription order for a drug or device that is not a controlled substance.

16 (b) Disclose a practitioner's federal registration number without the
17 practitioner's consent for any purpose other than complying with or enforcing federal
18 or state law related to controlled substances.

BILL

1 (c) Use a federal registration number to identify or monitor the prescribing
2 practices of a practitioner, except for the purpose of complying with or enforcing
3 federal or state law related to controlled substances.

4 **(3)** A person who violates this section may be required to forfeit not more than
5 \$10,000 for each violation.

6 (END)

Emery, Lynn

From: Pfaff, Bruce
Sent: Tuesday, September 23, 2003 8:45 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3332/1 Topic: Use of federal registration numbers required for controlled substances prescribers

It has been requested by <Pfaff, Bruce> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-3332/1 Topic: Use of federal registration numbers required for controlled substances prescribers