

2003 ASSEMBLY BILL 560

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

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

- 4 **SECTION 1.** 146.87 of the statutes is created to read:
- 5 **146.87 Federal registration numbers for prescribers of controlled**
6 **substances. (1)** In this section:
- 7 (a) “Controlled substance” has the meaning given in s. 961.01 (4).
8 (b) “Federal registration number” means the registration number required
9 under 21 USC 822 for practitioners who prescribe controlled substances.
10 (c) “Health care provider” has the meaning given in 42 USC 1320d (3).

ASSEMBLY BILL 560**SECTION 1**

1 (d) “Practitioner” has the meaning given in s. 450.01 (17).

2 (e) “Prescription order” has the meaning given in s. 450.01 (21).

3 **(2)** Beginning on the first day on which small health plans are required to
4 comply with a U.S. Department of Health and Human Services regulation under 42
5 USC 1320d-2 (b) that requires use of a unique identifier for health care providers,
6 no person may do any of the following:

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

9 (b) Disclose a practitioner’s federal registration number without the
10 practitioner’s consent for any purpose other than complying with or enforcing federal
11 or state law related to controlled substances.

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

15 **(3)** A person who violates this section may be required to forfeit not more than
16 \$10,000 for each violation.

17 **(END)**