

2003 Assembly Bill 560

Date of enactment: **April 16, 2004**
Date of publication*: **April 30, 2004**

2003 WISCONSIN ACT 272

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

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

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

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

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

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

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

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

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

(2) Beginning on the first day on which small health plans are required to comply with a U.S. Department of

Health and Human Services regulation under 42 USC 1320d-2 (b) that requires use of a unique identifier for health care providers, no person may do any of the following:

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].