

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB731)

Received: 02/04/2008

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Phil Montgomery (608) 266-5840

By/Representing: Kristin Ruesch

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - misc

Extra Copies:

Submit via email: YES

Requester's email: Rep.Montgomery@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Remote dispensing by pharmacists

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>
/P1							
/1	tkuczens 02/05/2008	kfollett 02/05/2008	jfrantze 02/05/2008	_____	mbarman 02/05/2008	mbarman 02/05/2008	

FE Sent For:

<END>

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/P1	tkuczens	1/15 2/5		J. Selb 2/5			

FE Sent For:

<END>

Kuczenski, Tracy

From: Ruesch, Kristin
Sent: Monday, February 04, 2008 11:33 AM
To: Kuczenski, Tracy
Cc: Sweet, Richard
Subject: AB 731
Attachments: RemoteLocationLanguage2-4-08.doc

Tracy,

We need a substitute amendment to AB 731 drafted according to the attached instructions. If you have any questions, please feel free to contact me or Dick Sweet at Leg Council.

Thank you,

Kristin

Kristin Ruesch

Office of Representative Phil Montgomery
Room 129 West, State Capitol
(608) 266-5841
(888) 534-0004

REMOTE DISPENSING- (DRAFT IDEAS) 2-4-08

Create this definition:

450.01 (21p) "Secured institution" means any of the following:

- ①. A jail inmate patient whose dispensed health items are maintained under the custody and control of the jail pursuant to an approved policy and procedure manual under s. DOC 350.17, containing policies and procedures for the control and administration of medications complying with s. DOC 350.20.
- ②. A juvenile patient who resides in a secured correctional facility, as defined in s. 938.02 (15m), Stats.; a secured child caring institution, as defined in s. 938.02 (15g), Stats.; a secured group home, as defined in s. 938.02 (15p), Stats.; a secured detention facility, as defined in s. 938.02 (16), Stats.; or a juvenile portion of a county jail whose dispensed health items are maintained under the custody and control of the health services staff as defined in s. DOC 316.02 (6) and provided to a juvenile patient under the provisions of s. DOC 316.03.
- ③. A state prison.

Remote mods-

SECTION 1. 450.06 (1) of the statutes is amended to read:

Leave as is

SECTION 2. 450.062 of the statutes is created to read:

450.062 Remote dispensing. A pharmacist may dispense ~~at a location not licensed as a pharmacy pursuant to rules promulgated by the board.~~ at a location credentialed by the department of health and family services, or a clinic or office that is used by a health care provider with prescribing authority or a veterinarian licensed under ch. 453 or at a secured institution.

SECTION 3. Nonstatutory provisions.

(1) VARIANCE PERIOD FOR PROMULGATION OF ADMINISTRATIVE RULES.

Notwithstanding section 227.10 (1) of the statutes, for the period before the effective date of the rules promulgated under section 450.062 of the statutes, as created by this act, but ending no later than the first day of the 25th month beginning after the effective date of this act, a pharmacist may dispense at a location not licensed as a pharmacy pursuant to policies and procedures established by the pharmacy

Kuczenski, Tracy

From: Sweet, Richard
Sent: Monday, February 04, 2008 1:48 PM
To: Ruesch, Kristin; Kuczenski, Tracy; Piliouras, Elizabeth
Subject: RE: Pharmacy Remote Location Dispensing Language 2-4-08

I think that Tracy is right that "practitioner" is the appropriate term. It does include vets since the definition of "drug" in s. 450.01(10), Stats., includes drugs for persons or animals.

Dick

From: Ruesch, Kristin
Sent: Monday, February 04, 2008 1:44 PM
To: Kuczenski, Tracy; Piliouras, Elizabeth
Cc: Sweet, Richard
Subject: RE: Pharmacy Remote Location Dispensing Language 2-4-08

It would make sense to me to stay with practitioner. Dick, does this seem consistent with the intent to you?

Thanks,

Kristin

From: Kuczenski, Tracy
Sent: Monday, February 04, 2008 1:41 PM
To: Piliouras, Elizabeth
Cc: Sweet, Richard; Ruesch, Kristin
Subject: RE: Pharmacy Remote Location Dispensing Language 2-4-08

Hello Kristin, Beth and Dick --

"Practitioner" is a defined term under ch. 450; it means "a person licensed in this state to prescribe and administer drugs or licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs." This definition would, therefore, include a veterinarian.

"Health care provider" under ch. 146 is a much broader term, and would include persons who are not authorized in this state to prescribe under ch. 450.

I think that changing the term from "practitioner" to "provider" as suggested, below, by Mr. Black could cause confusion. Do you still want me to make this change?

Tracy

Tracy K. Kuczenski
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2/4/2008

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Tuesday, February 05, 2008 9:57 AM
To: 'Black, William - DRL'
Cc: Sweet, Richard
Subject: RE: Remote dispensing

Yes, under the definition of health care facility under s. 150.84 (2).

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From: Black, William - DRL [mailto:William.Black@wisconsin.gov]
Sent: Tuesday, February 05, 2008 9:55 AM
To: Kuczenski, Tracy
Cc: Sweet, Richard
Subject: RE: Remote dispensing

Are nursing homes, and the CBRF's where patient meds are not in their control, covered?

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Tuesday, February 05, 2008 9:54 AM
To: Black, William - DRL
Cc: Sweet, Richard - LEGIS
Subject: RE: Remote dispensing

Right. Sorry, overlooked that point. So it will read "any office or clinic of a practitioner"... I'll submit to editing with that change.

Thanks for your help!

Tracy

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From: Black, William - DRL [mailto:William.Black@wisconsin.gov]
Sent: Tuesday, February 05, 2008 9:52 AM
To: Kuczenski, Tracy; Sweet, Richard
Subject: RE: Remote dispensing

We do have "practitioner" defined already in 450.01 (17), as pointed out by Tracy, so we could just use that. I specifically

don't want to imply that under the other chapters that the dispensing could occur. They aren't all practitioners, ie. 455- psychology, no, 446, chiros, no.

Please, it may be better to stay with a generic term like "practitioner"

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Tuesday, February 05, 2008 9:47 AM
To: Sweet, Richard - LEGIS; Black, William - DRL
Subject: RE: Remote dispensing

Good point; what about something like "any office or clinic of a person licensed under ch. 446, 447, 448, 449 or 455."

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From: Sweet, Richard
Sent: Tuesday, February 05, 2008 9:41 AM
To: Kuczenski, Tracy; Black, William - DRL
Subject: RE: Remote dispensing

I think it covers most of what Bill was looking for. But it wouldn't cover offices or clinics of practitioners who aren't physicians. It wouldn't cover a dental clinic. Not sure if it would cover a family planning clinic or an outpatient mental health/AODA clinic. Would it be better to say "an office or clinic in which a practitioner is present"? Bill, any thoughts?

Dick

From: Kuczenski, Tracy
Sent: Tuesday, February 05, 2008 9:31 AM
To: Sweet, Richard; Black, William - DRL
Subject: Remote dispensing

Hi Dick and Bill -

Here is the language I proposed for the substitute amendment to SB 409:

450.062 Remote dispensing. Pursuant to rules promulgated by the board, a pharmacist may dispense at the following locations:

(1) A health care facility under s. 150.84 (2), a physician's office under s. 101.123 (1) (dg), or a facility identified under s. 980.065.

(2) A county jail, rehabilitation facility under s. 59.53 (8), state prison under s. 302.01, or county house of correction under s. 303.16 (1).

(3) A juvenile correctional facility under s. 938.02 (10p), juvenile detention facility under s. 938.02 (10r), residential care center for children and youth under s. 938.02 (15d), secured residential care center for children and youth under s. 938.02

2/5/2008

(15g), type 1 juvenile correctional facility under s. 938.02 (19), type 2 residential care center for children and youth under s. 938.02 (19r), or type 2 juvenile correctional facility under s. 938.02 (20).

(4) A veterinary clinic. In this subsection, a veterinary clinic means a place where a person licensed as a veterinarian under ch. 453 practices veterinary medicine.

What do you think?

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2007 ASSEMBLY BILL 731

In 2/5/08
wanted today
identical to LRBs 0256

Gen

granting

1

AN ACT ...; relating to: remote dispensing by pharmacists and authorizing the

2

exercise of rule-making powers. authority

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

3

SECTION 1. 450.06 (1) of the statutes is amended to read:

4

450.06 (1) ~~No~~ Except as provided in s. 450.062, no pharmacist may dispense

5

at any location in this state that is not licensed as a pharmacy by the board. No

6

person in this state may use or display the title "pharmacy," "drugstore,"

7

"apothecary," or any other title, symbol, or insignia having the same or similar

8

meanings, except for a place of practice which is licensed under this section as a

9

pharmacy by the board.

History: 1985 a. 146; 1991 a. 39; 2005 a. 242; 2007 a. 20.

10

SECTION 2. 450.062 of the statutes is created to read:

1 **450.062 Remote dispensing.** Pursuant to rules promulgated by the board,
 2 a pharmacist may dispense at the following locations:

3 (1) A health care facility under s. 150.84 (2) or a facility identified under s.
 4 980.065.

5 (2) The office or clinic of a practitioner.

6 (3) A county jail, rehabilitation facility under s. 59.53 (8), state prison under s.
 7 302.01, or county house of correction under s. 303.16 (1).

8 (4) A juvenile correctional facility under s. 938.02 (10p), juvenile detention
 9 facility under s. 938.02 (10r), residential care center for children and youth under s.
 10 938.02 (15d), secured residential care center for children and youth under s. 938.02
 11 (15g), type 1 juvenile correctional facility under s. 938.02 (19), type 2 residential care
 12 center for children and youth under s. 938.02 (19r), or type 2 juvenile correctional
 13 facility under s. 938.02 (20).

14 **SECTION 3. Nonstatutory provisions.**

15 (1) VARIANCE PERIOD FOR PROMULGATION OF ADMINISTRATIVE RULES.
 16 Notwithstanding section 227.10 (1) of the statutes, for the period before the effective
 17 date of the rules promulgated under section 450.062 of the statutes, as created by this
 18 act, but ending no later than the first day of the 25th month beginning after the
 19 effective date of this act, a pharmacist may dispense at a location not licensed as a
 20 pharmacy pursuant to policies and procedures established by the pharmacy
 21 examining board.

22 (END)