

ASSEMBLY BILL 227 (LRB -0063)

An Act to create 450.19 of the statutes; relating to: directing the Pharmacy Examining Board to create a program to monitor the dispensing of prescription drugs and requiring the exercise of rule-making authority. (FE)

2009

- 04-23. A. Introduced by Representatives **Sherman, Townsend, Benedict, Berceau** and **Hebl**; cosponsored by Senators **Jauch, Risser, Olsen, Darling, Carpenter** and **Taylor**.
- 04-23. A. Read first time and referred to committee on Public Health 137
- 05-14. A. Fiscal estimate received.
- 05-15. A. Fiscal estimate received.
- 07-24. A. Assembly amendment 1 offered by Representative Sherman (**LRB a0562**) 340
- 07-28. A. Public hearing held.
- 08-20. A. Assembly substitute amendment 1 offered by Representative Sherman (**LRB s0096**) 352
- 08-25. A. Executive action taken.
- 09-08. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Public Health, Ayes 7, Noes 0 365
- 09-08. A. Report passage as amended recommended by committee on Public Health, Ayes 7, Noes 0 365
- 09-08. A. Referred to committee on Rules 365
- 09-10. A. Placed on calendar 9-16-2009 by committee on Rules.
- 09-16. A. Read a second time 379
- 09-16. A. **Assembly substitute amendment 1 adopted** 379
- 09-16. A. Ordered to a third reading 379
- 09-22. A. Refused to refer to committee on Personal Privacy, Ayes 43, Noes 52 398
- 09-22. A. Read a third time and **passed**, Ayes 89, Noes 6 398
- 09-22. A. Ordered immediately messaged 398
- 09-23. S. Received from Assembly 333
- 09-24. S. Read first time and referred to committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue 337

2010

- 01-20. S. Public hearing held.
- 01-27. S. Executive action taken.
- 01-27. S. Report concurrence recommended by committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue, Ayes 7, Noes 0 518
- 01-27. S. Available for scheduling.
- 02-10. S. Referred to joint committee on Finance by committee on Senate Organization pursuant to Senate Rule 41 (1)(e) 553
- 03-16. S. Executive action taken.
- 03-17. S. Report introduction of Senate Amendment 1 recommended by joint committee on Finance, Ayes 16, Noes 0 (**LRB a1772**) 641
- 03-17. S. Report adoption of Senate Amendment 1 recommended by joint committee on Finance, Ayes 16, Noes 0 .. 641
- 03-17. S. Report concurrence as amended recommended by joint committee on Finance, Ayes 16, Noes 0 641
- 03-17. S. Available for scheduling.
- 04-08. S. Placed on calendar 4-13-2010 pursuant to Senate Rule 18(1) 681
- 04-13. S. Read a second time.
- 04-13. S. **Senate amendment 1 adopted**.
- 04-13. S. Ordered to a third reading.
- 04-13. S. Rules suspended.
- 04-13. S. Read a third time and **concurred in** as amended, Ayes 31, Noes 2.
- 04-13. S. Ordered immediately messaged.
- 04-15. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted).
- 04-15. A. Senate amendment 1 **concurred in**.
- 04-15. A. Action ordered immediately messaged.

SB

2009

ENROLLED BILL

09en AB-227

ADOPTED DOCUMENTS:

Orig

Engr

A SubAmdt 1

09 5009612

Amendments to above (if none, write "NONE"):

SA 1 - a 1772/1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

4-19-10

Date

J. R. Miller

Enrolling Drafter



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 227**

August 20, 2009 – Offered by Representative SHERMAN.

1 **AN ACT** *to amend* 146.82 (1); and *to create* 450.19 of the statutes; **relating to:**
2 directing the Pharmacy Examining Board to create a program to monitor the
3 dispensing of prescription drugs and requiring the exercise of rule-making
4 authority.

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

5 **SECTION 1.** 146.82 (1) of the statutes is amended to read:
6 146.82 (1) **CONFIDENTIALITY.** All patient health care records shall remain
7 confidential. Patient health care records may be released only to the persons
8 designated in this section or to other persons with the informed consent of the patient
9 or of a person authorized by the patient. This subsection does not prohibit reports
10 made in compliance with s. 253.12 (2), 255.40, or 979.01; records generated or
11 disclosed pursuant to rules promulgated under s. 450.19; testimony authorized

1 under s. 905.04 (4) (h); or releases made for purposes of health care operations, as
2 defined in 45 CFR 164.501, and as authorized under 45 CFR 164, subpart E.

3 **SECTION 2.** 450.19 of the statutes is created to read:

4 **450.19 Prescription drug monitoring program.** (1) In this section,
5 “prescription drug” means a substance identified in s. 961.16 or 961.18 or a drug
6 identified by the board by rule as having a substantial potential for abuse.

7 (2) The board shall establish by rule a program for monitoring the dispensing
8 of prescription drugs. The program shall do all of the following:

9 (a) Require a pharmacist or practitioner to generate a record documenting each
10 dispensing of a prescription drug and to deliver the record to the board, except that
11 the program may not require the generation of a record when a drug is administered
12 directly to a patient.

13 (b) Identify specific data elements to be contained in a record documenting the
14 dispensing of a prescription drug. In identifying specific data elements, the board
15 shall consider data elements identified by similar programs in other states and shall
16 ensure, to the extent possible, that records generated by the program are easily
17 shared with other states.

18 (c) Specify the persons to whom a record may be disclosed and the
19 circumstances under which the disclosure may occur. The rule promulgated under
20 this paragraph shall permit the board to share a record generated by the program
21 with relevant agencies of other states.

22 (d) Specify a secure electronic format for delivery of a record generated under
23 the program and authorize the board to grant a pharmacist or practitioner a waiver
24 of the specified format.

25 (e) Specify a deadline for the delivery of a record to the board.

1 (f) Specify a penalty for failure to comply with rules promulgated under this
2 subsection.

3 (g) Maximize the potential for funding the operation of the program with
4 available federal funding sources.

5 (h) Ensure that the program complies with s. 146.82 and 45 CFR part 164,
6 subpart E.

7 (3) (a) A pharmacist or practitioner is immune from civil or criminal liability
8 or professional discipline arising from the pharmacist's or practitioner's compliance
9 in good faith with this section or with rules promulgated under this section.

10 (b) Nothing in this section may be construed to require a pharmacist or
11 practitioner to obtain, before prescribing or dispensing a prescription to a patient,
12 information about the patient that has been collected pursuant to the program
13 described under sub. (2).

14 (4) Records generated under the program under this section are not subject to
15 inspection or copying under s. 19.35.

16 (5) The department shall submit a timely application for a federal grant under
17 42 USC 280g-3 and under the Harold Rogers Prescription Drug Monitoring Program
18 to fund the establishment and operation of the program under this section. If the
19 department fails to obtain federal funding before January 1, 2015, this section is
20 void.

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INSERT SAI

(END)

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**SENATE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 227**

March 17, 2010 – Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 3, line 20: after that line insert:

4 “**SECTION 3m. Effective dates.** This act takes effect on the day after
5 publication, except as follows:

6 (1) The treatment of section 450.19 (2) of the statutes takes effect on the first
7 day after the department of regulation and licensing receives federal funding under
8 section 450.19 (5) of the statutes, as created by this act.”

9

(END)

SAI