

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-AB440)**

Received: 02/06/2012

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jeff Stone (608) 266-8590

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - drugs

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Electronic prescriptions

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**Instructions:**

See attached

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**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>
/1	phurley 02/06/2012	mduchek 02/06/2012	phenry 02/06/2012	_____	lparisi 02/06/2012	lparisi 02/06/2012	

FE Sent For:

<END>

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/1	phurley	M 2/6/12 /1	2/6	2/6 ph			
FE Sent For:							

<END>

**Hurley, Peggy**

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**From:** Dake, Marsha  
**Sent:** Monday, February 06, 2012 11:41 AM  
**To:** Hurley, Peggy  
**Subject:** MemoFor01 23 2012 - Stone (2).doc  
**Attachments:** MemoFor01 23 2012 - Stone (2).doc

Hi Peggy,

Attached is the amendment request for Rep. Stone.

Thank you!

*Marsha Dake*  
*Office of Rep. Jeff Stone*  
6-8590



MemoFor01 23  
2012 - Stone (2)....



State of Wisconsin  
Department of Health Services

Scott Walker, Governor  
Dennis G. Smith, Secretary

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## MEMORANDUM

**To:** Representative Jeff Stone, Chair – Assembly Committee on Health

**From:** Kyle O'Brien – Legislative Liaison at the Wisconsin Department of Health Services

**Date:** January 24, 2012

**Subject:** Proposed Amendment to Assembly Bill 440

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I would like to thank you for considering the following proposed amendment language to Assembly Bill 440. This legislation will give doctors and pharmacists the ability to interact electronically when prescribing schedule II substances (i.e. hydrocodone, oxycodone, opium, Ritalin, morphine, and other narcotics).

The bill not only creates efficiencies in the health care system, but it allows for greater protection of prescriptions and helps curb the illegal use of narcotics and other controlled substances.

While reviewing the legislation, the Department of Health Services has identified a potential change that would strengthen the bill and ensure that pharmacists would not be required to duplicate administrative services. The bill, in its current format, fails to allow for an emergency schedule II substance prescription to have the option of being reduced to an "electronic record".

The following is a proposed technical fix to the legislation that will ensure that physicians and pharmacists have the most effective and efficient means of serving their patients.

SECTION 2. 961.38 (1r) of the statutes is amended to read:

961.38 (1r) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule II may be dispensed without the written hard copy or electronic prescription of a practitioner.

SECTION 3. 961.38 (2) of the statutes is amended to read:

961.38 (2) In emergency situations, as defined by rule of the pharmacy examining board, schedule II drugs may be dispensed upon an oral or electronic prescription of a practitioner, reduced promptly to a written hard copy or electronic record ~~writing~~ and filed by the pharmacy.

Prescriptions shall be retained in conformity with rules of the pharmacy examining board promulgated under s. 961.31. No prescription for a schedule II substance may be refilled.

Please feel free to contact me at (608)266-3262 with any questions that you may have on this proposal.



## 2011 ASSEMBLY BILL 440

December 20, 2011 – Introduced by Representative STONE, cosponsored by Senator VUKMIR. Referred to Committee on Health.

- 1 **AN ACT to amend** 450.11 (2), 961.38 (1r) and 961.38 (2) of the statutes; **relating**  
2 **to:** electronic prescriptions for schedule II controlled substances.

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### *Analysis by the Legislative Reference Bureau*

Under current law, controlled substances are divided into five separate schedules, depending on the substance's potential for abuse, whether the substance has a currently accepted and safe medical use, and whether and to what degree the substance leads to physical or psychological dependence. Schedule II substances are those that have a high potential for abuse and may lead to severe physical or psychological dependence, but also have a currently accepted medical use.

Under current law, a drug that is a schedule II substance may be dispensed to a person directly by a practitioner or by a pharmacy with a written prescription by the practitioner or, in the case of an emergency, by a pharmacist who receives an oral or electronic prescription by the practitioner that is promptly reduced to writing and filed by the pharmacist.

Under this bill, a drug that is a schedule II substance may be dispensed by a pharmacy with an electronic prescription by the practitioner in cases that are not emergencies and without the requirement that the prescription be reduced to writing.

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

**ASSEMBLY BILL 440**

1           **SECTION 1.** 450.11 (2) of the statutes is amended to read:

2           450.11 (2) **PRESCRIPTION ORDER FILE.** Every prescription order shall be filed in  
3 a suitable book or file and preserved for at least 5 years. ~~Subject to s. 961.38 (2),~~  
4 ~~prescription~~ Prescription orders transmitted electronically may be filed and  
5 preserved in electronic format.

6           **SECTION 2.** 961.38 (1r) of the statutes is amended to read:

7           961.38 (1r) Except when dispensed directly by a practitioner, other than a  
8 pharmacy, to an ultimate user, no <sup>hard copy</sup> ~~controlled~~ substance included in schedule II may  
9 be dispensed without the written or electronic prescription of a practitioner.

10          **SECTION 3.** 961.38 (2) of the statutes is amended to read:

11          961.38 (2) In emergency situations, as defined by rule of the pharmacy  
12 examining board, schedule II drugs may be dispensed upon an oral ~~or electronic~~  
13 prescription of a practitioner, reduced promptly to ~~writing~~ <sup>a written hard copy of electronic</sup> and filed by the pharmacy. <sub>record</sub>  
14 Prescriptions shall be retained in conformity with rules of the pharmacy examining  
15 board promulgated under s. 961.31. No prescription for a schedule II substance may  
16 be refilled.

17

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2257/1

PJH:.....

*med*

ASSEMBLY AMENDMENT,  
TO 2011 ASSEMBLY BILL 440

*Tomorrow (9:05)  
AM*

*BH*

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 2, line 9: after "written" insert "hard copy".
- 3 2. Page 2, line 13: delete "writing" and substitute "writing a written hard copy
- 4 or electronic record".
- 5 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2257/1  
PJH:med:ph

ASSEMBLY AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 440

Before  
changes

February 8, 2012 - Offered by COMMITTEE ON TRANSPORTATION.

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 2, line 9: after "written" insert "hard copy".
- 3 2. Page 2, line 13: delete "writing" and substitute "writing a written hard copy
- 4 or electronic record".


5 (END)



**AMENDMENTS INFORMATION**

Date of Intro	Amendment Number	Offered by	LRB No.	LRB Intro'ed
08-FEB-12	AA1-AB440	committee on Health	a2257	

Change



02-15-2012  
"corrected  
copy" requested  
by Kay in ACC office



State of Wisconsin  
2011 - 2012 LEGISLATURE

CORRECTED  
COPY



LRBa2257/1  
PJH:med:ph

ASSEMBLY AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 440

After changes  
02-15-2012

February 8, 2012 - Offered by COMMITTEE ON HEALTH.

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 2, line 9: after "written" insert "hard copy".
- 3 2. Page 2, line 13: delete "writing" and substitute "writing a written hard copy
- 4 or electronic record".

5 (END)