



**ASSEMBLY AMENDMENT 14,
TO ASSEMBLY BILL 11**

February 22, 2011 – Offered by Representatives STASKUNAS, SINICKI, TOLES, ZEPNICK, TURNER, STEINBRINK, BERNARD SCHABER, SEIDEL, VRUWINK, ROYS, HEBL, BARCA, PASCH, D. CULLEN, RINGHAND, KRUSICK, MASON, YOUNG, POPE-ROBERTS, ZAMARRIPA, HULSEY and E. COGGS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 28, line 3: after that line insert:

3 “**SECTION 51d.** 20.435 (4) (j) of the statutes is repealed.

4 **SECTION 51g.** 20.435 (4) (pg) of the statutes is repealed.

5 **SECTION 51k.** 20.435 (4) (y) of the statutes is created to read:

6 20.435 (4) (y) *Prescription drug assistance for elderly trust fund.* From the
7 prescription drug assistance for elderly trust fund, a sum sufficient for the
8 prescription drug assistance program under s. 49.688.”.

9 **2.** Page 32, line 16: after that line insert:

10 “**SECTION 69m.** 25.776 of the statutes is created to read:

11 **25.776 Prescription drug assistance for elderly trust fund.** There is
12 created a separate nonlapsible trust fund designated as the prescription drug
13 assistance for elderly trust fund, consisting of all of the following:

1 **(1)** All moneys collected as fees under s. 49.688 (3).

2 **(2)** All moneys collected as rebates under s. 49.688 (6).

3 **(3)** All federal moneys received that are related to the program under s. 49.688.

4 **(4)** All gifts, grants, bequests, or other contributions made to the fund.”.

5 **3.** Page 57, line 21: after that line insert:

6 “**SECTION 144p.** 49.688 (6) (a) of the statutes is amended to read:

7 49.688 **(6)** (a) That, except as provided in sub. (7) (b), the manufacturer shall
8 make rebate payments for each prescription drug of the manufacturer that is
9 prescribed for and purchased by persons who meet criteria under sub. (2) (a) and
10 persons who meet criteria under sub. (2) (b) and have paid the deductible under sub.
11 (3) (b) 2. a., to the secretary of administration to be credited to the appropriation
12 account under s. 20.435 (4) ~~(j)~~ (y), each calendar quarter or according to a schedule
13 established by the department.

14 **SECTION 144r.** 49.688 (7) (a) of the statutes is amended to read:

15 49.688 **(7)** (a) Except as provided in par. (b), from the appropriation accounts
16 under s. 20.435 (4) ~~(bv)~~, ~~(j)~~, and ~~(pg)~~ (y), beginning on September 1, 2002, the
17 department shall, under a schedule that is identical to that used by the department
18 for payment of pharmacy provider claims under medical assistance, provide to
19 pharmacies and pharmacists payments for prescription drugs sold by the
20 pharmacies or pharmacists to persons eligible under sub. (2) who have paid the
21 deductible specified under sub. (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not
22 required to pay a deductible. The payment for each prescription drug under this
23 paragraph shall be at the program payment rate, minus any copayment paid by the
24 person under sub. (5) (a) 2. or 4., and plus, if applicable, incentive payments that are

1 similar to those provided under s. 49.45 (8v). The department shall devise and
2 distribute a claim form for use by pharmacies and pharmacists under this paragraph
3 and may limit payment under this paragraph to those prescription drugs for which
4 payment claims are submitted by pharmacists or pharmacies directly to the
5 department. The department may apply to the program under this section the same
6 utilization and cost control procedures that apply under rules promulgated by the
7 department to medical assistance under subch. IV of ch. 49.

8 **SECTION 144t.** 49.688 (7) (b) of the statutes is amended to read:

9 49.688 (7) (b) During any period in which funding under s. 20.435 (4) (bv) and
10 ~~(pg)~~ is completely expended for the payments specified in par. (a), the requirements
11 of par. (a) and subs. (3) (c), (5), and (6) (a) and (b) do not apply to drugs purchased
12 during that period, but the department shall continue to accept applications and
13 determine eligibility under sub. (4) and shall indicate to applicants that the
14 eligibility of program participants to purchase prescription drugs as specified in sub.
15 (3), under the requirements of sub. (5), is conditioned on the availability of funding
16 under s. 20.435 (4) (bv) and ~~(pg)~~.”.

17 (END)