

2013 Senate Bill 251 (LRB -2399)

An Act to create 49.498 (2) (a) 3., 50.045, 450.01 (16) (hm) and 450.033 of the statutes; relating to: therapeutic alternate drug selections in nursing homes, performance of patient services by a pharmacist, and the practice of pharmacy.

2013

08-16.	S.	Introduced by Senators Gudex, Moulton and Lehman ; cosponsored by Representatives Endsley, Czaja, Pridemore, A. Ott, Brooks, Spiros, Stone, Schraa, Kestell and Hulsey .	335
08-16.	S.	Read first time and referred to Committee on Health and Human Services	335
09-18.	S.	Public hearing held	
09-24.	S.	Senate Amendment 1 offered by Senator Gudex (LRB a0855)	375
10-03.	S.	Executive action taken	
10-03.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Health and Human Services, Ayes 5, Noes 0	387
10-03.	S.	Report passage as amended recommended by Committee on Health and Human Services, Ayes 5, Noes 0	387
10-03.	S.	Available for scheduling	
10-07.	S.	Placed on calendar 10-8-2013 pursuant to Senate Rule 18(1)	390
10-08.	S.	Read a second time	394
10-08.	S.	Senate Amendment 1 adopted	394
10-08.	S.	Ordered to a third reading	394
10-08.	S.	Rules suspended	394
10-08.	S.	Read a third time and passed	394
10-08.	S.	Ordered immediately messaged	395
10-09.	A.	Received from Senate	342
10-10.	A.	Read first time and referred to committee on Rules	345

2014

01-08.	A.	Placed on calendar 1-14-2014 by Committee on Rules	
01-14.	A.	Read a second time	
01-14.	A.	Ordered to a third reading	
01-14.	A.	Rules suspended	
01-14.	A.	Read a third time and concurred in	
01-14.	A.	Ordered immediately messaged	
01-15.	S.	Received from Assembly concurred in	

2013
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt


13 - 2399/1

Amendments to above (if none, write "NONE"): SA1 — a 0855/1

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

Topic Rel

1-15-14
Date


Enrolling Drafter



2013 SENATE BILL 251

August 16, 2013 - Introduced by Senators GUDEX, MOULTON and LEHMAN, cosponsored by Representatives ENDSLEY, CZAJA, PRIDEMORE, A. OTT, BROOKS, SPIROS, STONE, SCHRAA, KESTELL and HULSEY. Referred to Committee on Health and Human Services.

1 **AN ACT** *to create* 49.498 (2) (a) 3., 50.045, 450.01 (16) (hm) and 450.033 of the
2 statutes; **relating to:** therapeutic alternate drug selections in nursing homes,
3 performance of patient services by a pharmacist, and the practice of pharmacy.

Analysis by the Legislative Reference Bureau

This bill provides that a pharmacist who is licensed by the Pharmacy Examining Board (pharmacist) may perform any patient care service that is delegated to the pharmacist by a physician licensed by the Medical Examining Board (physician).

Under current law, a nursing facility, as defined under federal law, must maintain a quality assessment and assurance committee that must identify issues with respect to which quality assessment and assurance activities are necessary and must develop and implement appropriate plans of action to correct identified quality deficiencies. The committee must consist of the director of nursing services, a physician designated by the nursing facility, and at least three other members of the nursing facility staff.

This bill allows the quality assessment and assurance committee of a nursing facility to establish written guidelines or procedures for making therapeutic alternate drug selections for certain purposes if the committee members include a pharmacist. This bill also allows a nursing home, as defined under state law, that does not otherwise maintain a quality assessment and assurance committee under the federal law requirement for nursing facilities, to maintain a committee consisting of the director of nursing services, a physician, a pharmacist, and at least

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two other members of the nursing home staff. If the nursing home establishes a committee consisting of those members, the committee may establish written guidelines or procedures for making therapeutic alternate drug selections in accordance with the provisions created in the bill.

The bill also adds to the definition of the practice of pharmacy, allowing a pharmacist to make therapeutic alternate drug selections in accordance with written guidelines or procedures previously established by a committee of a nursing facility or nursing home that includes the required membership, as described above. Under the bill, the use of the therapeutic alternate drug selection must have also been approved for a patient during the period of the patient's stay within the nursing facility or nursing home by the patient's personal attending physician; the patient's physician assistant, if the physician assistant is under the supervision of the patient's personal attending physician; or the patient's advanced practice nurse prescriber, if the advanced practice nurse prescriber has entered into a written agreement to collaborate with the patient's personal attending physician.

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

1 **SECTION 1.** 49.498 (2) (a) 3. of the statutes is created to read:

2 49.498 (2) (a) 3. A quality assessment and assurance committee described
3 under subd. 2. may establish written guidelines or procedures for making
4 therapeutic alternate drug selections for the purposes of s. 450.01 (16) (hm) if the
5 committee members include a pharmacist, as defined in s. 450.01 (15).

6 **SECTION 2.** 50.045 of the statutes is created to read:

7 **50.045 Therapeutic alternate drug selections in nursing homes.** (1) A
8 nursing home that does not maintain a quality assessment and assurance committee
9 under s. 49.498 (2) (a) 2. may maintain a committee that consists of the director of
10 nursing services, a physician, as defined in s. 448.01 (5), a pharmacist, as defined in
11 s. 450.01 (15), and at least 2 other members of the nursing home staff.

12 (2) A committee with the members specified under sub. (1) may establish
13 written guidelines or procedures for making therapeutic alternate drug selections
14 for the purposes of s. 450.01 (16) (hm).

