

2013 DRAFTING REQUEST

Bill

Received: 5/17/2013 Received By: mduchek
 Wanted: As time permits Same as LRB: -2657
 For: Richard Gudex (608) 266-5300 By/Representing: Lance Burri
 May Contact: Drafter: mduchek
 Subject: Health - facilities Addl. Drafters: tdodge
 Occupational Reg. - prof lic
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Gudex@legis.wisconsin.gov
 Carbon copy (CC) to: michael.gallagher@legis.wi.gov
 tamara.dodge@legis.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Allow a practitioner to delegate performance of patient services to a pharmacist and allow for creation of formularies in nursing homes

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>
/?	mduchek 6/24/2013	scalvin 6/27/2013	jmurphy 6/27/2013	_____			
/P1	mduchek 7/9/2013	jdyer 7/10/2013	phenry 7/10/2013	_____	lparisi 6/27/2013		
/1				_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
					7/10/2013	8/5/2013	

FE Sent For:

hand

<END>

2013 DRAFTING REQUEST

Bill

Received: **5/17/2013** Received By: **mduchek**
 Wanted: **As time permits** Same as LRB:
 For: **Richard Gudex (608) 266-5300** By/Representing: **Lance Burri**
 May Contact: Drafter: **mduchek**
 Subject: **Health - facilities** Addl. Drafters:
Occupational Reg. - prof lic Extra Copies:

Submit via email: **YES**
 Requester's email: **Sen.Gudex@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.gallagher@legis.wi.gov**
tamara.dodge@legis.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Allow a practitioner to delegate performance of patient services to a pharmacist and allow for creation of formularies in nursing homes

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>
/?	mduchek 6/24/2013	scalvin 6/27/2013	jmurphy 6/27/2013	_____			
/P1	mduchek 7/9/2013	jdyer 7/10/2013	phenry 7/10/2013	_____	lparisi 6/27/2013		
/1				_____	sbasford		

Vers. Drafted

Reviewed

Typed

Proofed

Submitted

Jacketed

Required

7/10/2013

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **5/17/2013** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Richard Gudex (608) 266-5300** By/Representing: **Lance Burri**
May Contact: Drafter: **mduchek**
Subject: **Health - facilities** Addl. Drafters:
Occupational Reg. - prof lic Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Gudex@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wi.gov**
tamara.dodge@legis.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Allow a practitioner to delegate performance of patient services to a pharmacist and allow for creation of formularies in nursing homes

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>
/?	mduchek 6/24/2013	scalvin 6/27/2013	jmurphy 6/27/2013	_____			
/P1		<i>10 jld</i>	<i>7/10 ph k</i>	_____	lparisi 6/27/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 5/17/2013 Received By: mduchek
 Wanted: As time permits Same as LRB:
 For: Richard Gudex (608) 266-5300 By/Representing: Lance Burri
 May Contact: Drafter: mduchek
 Subject: Health - facilities Addl. Drafters:
 Occupational Reg. - prof lic Extra Copies:

Submit via email: YES
 Requester's email: Sen.Gudex@legis.wisconsin.gov
 Carbon copy (CC) to: michael.gallagher@legis.wi.gov
 tamara.dodge@legis.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Allow a practitioner to delegate performance of patient services to a pharmacist and allow for creation of formularies in nursing homes ✓

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>
/?	mduchek	/PI SAC 06/24/2013	Jm 6/27	_____	_____	_____	_____
				Jm & Jb 6/27			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

ln 6-24-13

ATJD



LRB-110002

MED/jld/jim

2309/PI

esac

FRI if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 50.045, 450.01 (16) (hm) and 450.033 of the statutes; **relating**
 2 **to:** establishment of quality assessment and assurance committees in nursing
 3 homes, performance of patient services by a pharmacist, and the practice of
 4 pharmacy.

Regen

therapeutic alternate drug selections

by the Medical Examining Board (physician)

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 in this state.

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 quality assessment and assurance committee of a licensed nursing home. 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 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.

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

Move top 2

Insert MD Analysis 1

- 2 -
Insert
A-TJD

Insert
MD analysis
JE

Ins MD analysis
3

must develop and implement appropriate plans of action to correct identified quality deficiencies. ^{g also allows} This bill ^{g federal} requires a nursing home, as defined under state law, that does not otherwise maintain a quality assessment and assurance committee under the current law requirement for nursing facilities, to maintain such a committee. The bill requires a quality assessment and assurance committee, whether maintained under the current law requirement or under the bill, of a nursing home to establish written guidelines or procedures for making therapeutic alternate drug selections in accordance with the provisions created in the bill.

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

SECTION 1. 50.045 of the statutes is created to read:

50.045 Quality assessment and assurance committees. (1) (a) In this subsection, "quality assessment and assurance committee" means a quality assessment and assurance committee maintained by a nursing facility under s. 49.498 (2) (a) 2. or a quality assessment and assurance committee otherwise maintained by a nursing home under sub. (2).

(b) A quality assessment and assurance committee ^{g may} shall establish written guidelines or procedures for making therapeutic alternate drug selections for purposes of s. 450.01 (16) (hm).

(2) A nursing home that does not maintain a quality assessment and assurance committee under s. 49.498 (2) (a) 2. shall maintain, for purposes of implementing the requirement under sub. (1) (b), a quality assessment and assurance committee that consists of the director of nursing services, a physician ^{g may} who is designated by the nursing home, ^{exercising the authority} and at least 3 other members of the nursing home staff ^{and at least one pharmacist, as defined in s. 450.01 (15).}

SECTION 2. 450.01 (16) (hm) of the statutes is created to read:

450.01 (16) (hm) Making therapeutic alternate drug selections in accordance with written guidelines or procedures previously established by a quality assessment and assurance committee of a nursing home licensed under s. 50.03, if

nursing facility under s. 49.498 (2) (a) 3. or by a committee established for a

50.045 (2)

Material from p. 1

Insert TJD

Ins 2-14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

1 the use of the therapeutic alternate drug selection has been approved for a patient
2 during the period of the patient's stay within the nursing home by any of the
3 following:

facility or nursing
home

- 4 1. The patient's personal attending physician.
- 5 2. The patient's advanced practice nurse prescriber, if the advanced practice
6 nurse prescriber has entered into a written agreement to collaborate with the
7 patient's personal attending physician.
- 8 3. The patient's physician assistant, if the physician assistant is under the
9 supervision of the patient's personal attending physician.

10 SECTION 3. 450.033 of the statutes is created to read:

11 **450.033 Services delegated by physician.** A pharmacist may perform any
12 patient care service delegated to the pharmacist by a physician, as defined in s.
13 448.01(5).



(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2399/P1ins
MED:.....

INSERT MD ANALYSIS 1

no 9
a committee of a nursing facility or nursing home that includes the required membership, as described above.

INSERT MD ANALYSIS 2

no 9
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.

INSERT MD ANALYSIS 3

two *no 9*
consisting of the director of nursing services, a physician, a pharmacist, and at least ~~2~~ other members of the nursing home staff. If the nursing home establishes a committee consisting of those members, the committee may

INSERT 2-14

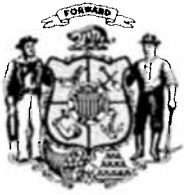
1 SECTION 1. 50.045 of the statutes is created to read:

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

****NOTE: I added an in-text definition here for physician to make it clear that it refers to a Wisconsin-licensed physician, but note that under s. 990.01 (28), the term "physician" already means this by default.

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

****NOTE: This provision allows a nursing home that is only licensed under state law (and not licensed as a nursing facility under federal law) to maintain a committee to establish a formulary. At the meeting, the question came up of whether the requirement to include at least 3 other members of the nursing home staff could be changed to 2 for committees that include a pharmacist. For purposes of this provision, I changed the number to 2 because it only addresses facilities that are subject to the requirements under federal law. However, we left unchanged the requirement under s. 49.498 (2) (a) 2. to include 3 members of the nursing home staff because that is a requirement of federal law.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2399/111
MED&TJD:jld&sac:jm

In 7-9-13

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 BILL

4
1
2
3
Reyer

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.

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 licensed 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 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 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.

nursing facility or

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.

***NOTE: I added an in-text definition here for physician to make it clear that it refers to a Wisconsin-licensed physician, but note that under s. 990.01 (28), the term "physician" already means this by default.

***NOTE: This provision allows a nursing home that is only licensed under state law (and not licensed as a nursing facility under federal law) to maintain a committee to establish a formulary. At the meeting, the question came up of whether the requirement to include at least 3 other members of the nursing home staff could be changed to 2 for

committees that include a pharmacist. For purposes of this provision, I changed the number to 2 because it only addresses facilities that are subject to the requirements under federal law. However, we left unchanged the requirement under s. 49.498 (2) (a) 2. to include 3 members of the nursing home staff because that is a requirement of federal law.

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

4 **SECTION 3.** 450.01 (16) (hm) of the statutes is created to read:

5 450.01 (16) (hm) Making therapeutic alternate drug selections in accordance
6 with written guidelines or procedures previously established by a quality
7 assessment and assurance committee of a nursing facility under s. 49.498 (2) (a) 3.
8 or by a committee established for a nursing home under s. 50.045 (2), if the use of the
9 therapeutic alternate drug selection has been approved for a patient during the
10 period of the patient's stay within the nursing facility or nursing home by any of the
11 following:

12 1. The patient's personal attending physician.

13 2. The patient's advanced practice nurse prescriber, if the advanced practice
14 nurse prescriber has entered into a written agreement to collaborate with the
15 patient's personal attending physician.

16 3. The patient's physician assistant, if the physician assistant is under the
17 supervision of the patient's personal attending physician.

18 **SECTION 4.** 450.033 of the statutes is created to read:

19 **450.033 Services delegated by physician.** A pharmacist may perform any
20 patient care service delegated to the pharmacist by a physician, as defined in s.
21 448.01 (5).

22 (END)

Basford, Sarah

From: Burri, Lance
Sent: Monday, August 05, 2013 1:48 PM
To: LRB.Legal
Subject: Draft Review: LRB -2399/1 Topic: Allow a practitioner to delegate performance of patient services to a pharmacist and allow for creation of formularies in nursing homes

Please Jacket LRB -2399/1 for the SENATE.