

# State of Wisconsin



2015 Assembly Bill 427

Date of enactment: **December 8, 2015**

Date of publication\*: **December 9, 2015**

## 2015 WISCONSIN ACT 115

AN ACT *to renumber and amend* 441.18 (2) (a) and 448.037 (2) (a); *to amend* 441.18 (2) (b), 448.037 (2) (b), 450.01 (21), 450.11 (1), 450.11 (1i) (a) 1. and 450.11 (4) (a) 5. c.; and *to create* 441.18 (1) (f), 441.18 (2) (a) 2., 448.037 (1) (f), 448.037 (2) (a) 2. and 450.01 (21p) of the statutes; **relating to:** prescription, dispensing, and delivery of opioid antagonists.

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

**SECTION 1.** 441.18 (1) (f) of the statutes is created to read:

441.18 (1) (f) "Standing order" has the meaning given in s. 450.01 (21p).

**SECTION 2.** 441.18 (2) (a) of the statutes is renumbered 441.18 (2) (a) (intro.) and amended to read:

441.18 (2) (a) (intro.) An advanced practice nurse certified to issue prescription orders under s. 441.16 may, ~~directly or by the use of a standing order, prescribe~~ do any of the following:

1. Prescribe an opioid antagonist to a person in a position to assist an individual at risk of undergoing an opioid-related drug overdose and may deliver the opioid antagonist to that person. A prescription order under this ~~paragraph~~ subdivision need not specify the name and address of the individual to whom the opioid antagonist will be administered, but shall instead specify the name of the person to whom the opioid antagonist ~~will be delivered~~ is prescribed.

**SECTION 3.** 441.18 (2) (a) 2. of the statutes is created to read:

441.18 (2) (a) 2. Issue a standing order to one or more persons authorizing the dispensing of an opioid antagonist.

**SECTION 4.** 441.18 (2) (b) of the statutes is amended to read:

441.18 (2) (b) An advanced practice nurse who prescribes or delivers an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid antagonist ~~will be delivered~~ is prescribed has ~~or has the capacity~~ to provide the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers the opioid antagonist has or receives that knowledge and training.

**SECTION 5.** 448.037 (1) (f) of the statutes is created to read:

448.037 (1) (f) "Standing order" has the meaning given in s. 450.01 (21p).

**SECTION 6.** 448.037 (2) (a) of the statutes is renumbered 448.037 (2) (a) (intro.) and amended to read:

448.037 (2) (a) (intro.) A physician or physician assistant may, ~~directly or by the use of a standing order, prescribe~~ do any of the following:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

1. Prescribe an opioid antagonist to a person in a position to assist an individual at risk of undergoing an opioid-related drug overdose and may deliver the opioid antagonist to that person. A prescription order under this ~~paragraph~~ subdivision need not specify the name and address of the individual to whom the opioid antagonist will be administered, but shall instead specify the name of the person to whom the opioid antagonist ~~will be delivered~~ is prescribed.

**SECTION 7.** 448.037 (2) (a) 2. of the statutes is created to read:

448.037 (2) (a) 2. Issue a standing order to one or more persons authorizing the dispensing of an opioid antagonist.

**SECTION 8.** 448.037 (2) (b) of the statutes is amended to read:

448.037 (2) (b) A physician or physician assistant who prescribes or delivers an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid antagonist ~~will be delivered~~ is prescribed has or has the capacity to provide the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers the opioid antagonist has or receives that knowledge and training.

**SECTION 9.** 450.01 (21) of the statutes is amended to read:

450.01 (21) "Prescription order" means an order transmitted orally, electronically or in writing by a practitioner for a drug or device for a particular patient and also includes a standing order issued under s. 441.18 (2) (a) 2. or 448.037 (2) (a) 2.

**SECTION 10.** 450.01 (21p) of the statutes is created to read:

450.01 (21p) "Standing order" means an order transmitted electronically or in writing by a practitioner for a drug or device for multiple patients or for one or more groups of patients.

**SECTION 11.** 450.11 (1) of the statutes, as affected by [2015 Wisconsin Act 35](#), is amended to read:

450.11 (1) DISPENSING. Except as provided in sub. (1i) (b) 2., no person may dispense any prescribed drug

or device except upon the prescription order of a practitioner. All prescription orders shall specify the date of issue, the name and address of the practitioner, the name and quantity of the drug product or device prescribed, directions for the use of the drug product or device, the symptom or purpose for which the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is written by the practitioner, the signature of the practitioner. Except as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1., 448.035 (2), and 448.037 (2) (a) 1. and except for standing orders issued under s. 441.18 (2) (a) 2. or 448.037 (2) (a) 2., all prescription orders shall also specify the name and address of the patient. A prescription order issued under s. 118.2925 (3) shall specify the name and address of the school. A prescription order issued under s. 255.07 (2) shall specify the name and address of the authorized entity. Any oral prescription order shall be immediately reduced to writing by the pharmacist and filed according to sub. (2).

**SECTION 12.** 450.11 (1i) (a) 1. of the statutes is amended to read:

450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 1., or of a physician or physician assistant under s. 448.037 (2) (a) 1., that complies with the requirements of sub. (1), deliver an opioid antagonist to ~~the a~~ person specified in the prescription order and may, upon and in accordance with the standing order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 2., or of a physician or physician assistant under s. 448.037 (2) (a) 2., that complies with the requirements of sub. (1), deliver an opioid antagonist to an individual in accordance with the order. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the delivery of a prescription to the person to whom the opioid antagonist is delivered.

**SECTION 13.** 450.11 (4) (a) 5. c. of the statutes is amended to read:

450.11 (4) (a) 5. c. For an opioid antagonist when delivered under sub. (1i) (a), the name of the person to whom the opioid antagonist ~~will be~~ is delivered ~~as specified in s. 441.18 (2) (a) or 448.037 (2) (a).~~