



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa0864/1
MPG:ahe&wlj

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 364**

October 21, 2015 – Offered by Representative NYGREN.

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

2 **1.** Page 3, line 22: after that line insert:

3 “**SECTION 7m.** 961.385 (1) (b) of the statutes, as created by 2015 Wisconsin Act
4 55, is amended to read:

5 961.385 (1) (b) “Prescription order” means an order transmitted orally,
6 electronically, or in writing by a practitioner or a veterinarian licensed under ch. 89
7 for a monitored prescription drug for a particular patient.”.

8 **2.** Page 5, line 2: delete “or”.

9 **3.** Page 5, line 2: delete “(b)” and substitute “(b), or individual authorized
10 under s. 457.02 (5m) to treat alcohol or substance dependency or abuse as a
11 specialty”.

12 **4.** Page 5, line 4: on lines 4, 6 and 14, delete “or substance abuse counselor”
13 and substitute “substance abuse counselor, or individual”.

1 **5.** Page 5, line 12: delete “or substance abuse counselor” and substitute
2 “substance abuse counselor, or individual authorized under s. 457.02 (5m) to treat
3 alcohol or substance dependency or abuse as a specialty”.

4 **6.** Page 5, line 17: delete “or”.

5 **7.** Page 5, line 18: delete “counselor” and substitute “counselor, or individual”.

6 **8.** Page 6, line 8: after “(cs)” insert “1.”.

7 **9.** Page 6, line 9: after “patient.” insert “This subdivision does not apply after
8 3 years after the effective date of this subdivision ... [LRB inserts date].”.

9 **10.** Page 6, line 9: after that line insert:

10 “2. The requirement under subd. 1. that a practitioner review a patient’s
11 records under the program before the practitioner issues a prescription order for the
12 patient does not apply if any of the following is true:

13 a. The patient is receiving hospice care, as defined in s. 50.94 (1) (a).

14 b. The prescription order is for a number of doses that is intended to last the
15 patient 3 days or less and is not subject to refill.

16 c. The monitored prescription drug is lawfully administered to the patient.

17 d. Due to emergency, it is not possible for the practitioner to review the patient’s
18 records under the program before the practitioner issues a prescription order for the
19 patient.

20 e. The practitioner is unable to review the patient’s records under the program
21 because the digital platform for the program is not operational or due to other
22 technological failure if the practitioner reports that failure to the board.”.

23 **11.** Page 7, line 6: delete lines 6 and 7 and substitute:

1 “(2g) NOTICE TO LEGISLATIVE REFERENCE BUREAU. For purposes of the
2 requirement to review patient records under section 961.385 (2) (cs) of the statutes,
3 as created by this act, the secretary of safety and professional services, in
4 consultation with the controlled substances board, shall determine the date the
5 prescription drug monitoring program under section 961.385 of the statutes, as
6 affected by this act, will be operational and capable of electronically transmitting
7 such records to a practitioner in accordance with standards determined by the
8 secretary. Upon making that determination, the secretary of safety and professional
9 services shall provide a notice to the legislative reference bureau stating that
10 determination, and the legislative reference bureau shall promptly publish the
11 notice in the Wisconsin Administrative Register.

12 **SECTION 18s. Effective dates.** This act takes effect on April 1, 2017, except
13 as follows:

14 (1) REQUIREMENT TO REVIEW PATIENT RECORDS. The creation of section 961.385
15 (2) (cs) of the statutes takes effect on the 30th day after the date of publication in the
16 Wisconsin Administrative Register of the notice under SECTION 17 (2g) of this act, or
17 on April 1, 2017, whichever is later.

18 (2) NOTICE TO LEGISLATIVE REFERENCE BUREAU. SECTION 17 (2g) of this act takes
19 effect on the day after publication.

20 (3) EMERGENCY RULES. SECTION 17 (1) of this act takes effect on the day after
21 publication.”.

22 (END)