

State of Wisconsin



2015 Assembly Bill 766

Date of enactment: **March 17, 2016**

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2015 WISCONSIN ACT 267

AN ACT *to create* 961.385 (5), 961.385 (6) and 961.385 (7s) of the statutes; **relating to:** review and reporting requirements for the Prescription Drug Monitoring Program.

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

SECTION 1. 961.385 (5) of the statutes is created to read:

961.385 (5) (a) Beginning with the 3rd calendar quarter of 2016, no later than 30 days after the end of each calendar quarter, the board shall conduct a review of the program under this section to evaluate the actual outcomes of the program compared with projected outcomes, as determined by the board. The board's review shall include an evaluation of all of the following:

1. The satisfaction with the program of pharmacists, pharmacies, practitioners, and other users of the program.

2. The program's impact on referrals of pharmacists, pharmacies, and practitioners to licensing or regulatory boards for discipline and to law enforcement agencies for investigation and possible prosecution.

(b) This subsection does not apply after October 30, 2020.

SECTION 2. 961.385 (6) of the statutes is created to read:

961.385 (6) Beginning with the 3rd calendar quarter of 2016, no later than 30 days after the end of each calendar quarter, the board shall provide a report to the department of safety and professional services that includes all of the following:

(a) The results of the board's review under sub. (5). This paragraph does not apply after October 30, 2020.

(b) An assessment of the trends and changes in the use of monitored prescription drugs in this state.

(c) The number of practitioners, by profession, and pharmacies submitting records to the board under the program in the previous quarter.

(d) A description of the number, frequency, and nature of submissions by law enforcement agencies under s. 961.37 (3) (a) in the previous quarter.

(e) A description of the number, frequency, and nature of requests made in the previous quarter for disclosure of records generated under the program.

(f) The number of individuals receiving prescription orders from 5 or more practitioners or having monitored prescription drugs dispensed by 5 or more pharmacies within the same 90-day period at any time over the course of the program.

(g) The number of individuals receiving daily morphine milligram equivalents of 1 to 19 milligrams, 20 to 49 milligrams, 50 to 99 milligrams, and 100 or more milligrams in the previous quarter.

(h) The number of individuals to whom both opioids and benzodiazepines were dispensed within the same 90-day period at any time over the course of the program.

SECTION 2r. 961.385 (7s) of the statutes is created to read:

* 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."

961.385 (7s) (a) The board may contract with an analytics firm to augment the program under this section with an analytics platform that provides data integration, advanced analytics, and alert management capabilities to detect problematic behaviors of practitioners, pharmacies, pharmacists, and patients.

(b) If the board augments the program under this section as specified in par. (a), the goals of that augmentation shall include all of the following:

1. Allowing the board, with the assistance of the analytics firm, to identify past patterns of abuse, addiction, or criminal activity.

2. Proactively improving painkiller prescribing, informing clinical practice, and protecting patients at risk.

3. Measuring program outcomes at an individual level to minimize the abuse of monitored prescription drugs in this state.

(c) For purposes of this subsection, the board may disclose records generated under the program to an analytics firm with which the board contracts.

SECTION 3. Nonstatutory provisions.

(1) RECONCILIATION PROVISION. The treatment of 961.385 (6) (d) of the statutes by this act takes effect only if the treatment of section 961.37 (3) (a) of the statutes takes effect as shown in 2015 Wisconsin Act (Assembly Bill 365). If 2015 Wisconsin Act (Assembly Bill 365) does not become law, the treatment of section 961.385 (6) (d) of the statutes by this act is void.
