

2015 Assembly Bill 766 (LRB -4276)

An Act to create 961.385 (5) and 961.385 (6) of the statutes; relating to: review and reporting requirements for the Prescription Drug Monitoring Program. (FE)

2016

- 01-22. A. Introduced by Representatives **Nygren, Tauchen, Spiros, Petersen, T. Larson, Quinn, Rohrkaste, Czaja, Petryk, Sanfelippo, Katsma, Knodl, A. Ott, Kitchens, Novak, Kremer, Edming, Duchow, Tranel, Kahl, Billings, Kolste, Goyke, Ohnstad, Considine and Hintz**; cosponsored by Senators **Darling, Harsdorf, Marklein, Olsen and Carpenter**. 530
- 01-22. A. Read first time and referred to Committee on Health 530
- 02-02. A. Assembly Amendment 1 offered by Representative Nygren (**LRB a1762**) 558
- 02-03. A. Public hearing held
- 02-09. A. Fiscal estimate received
- 02-10. A. Fiscal estimate received
- 02-10. A. Executive action taken
- 02-11. A. **LRB correction** 634
- 02-11. A. Report Assembly Amendment 1 adoption recommended by Committee on Health, Ayes 11, Noes 0 630
- 02-11. A. Report passage as amended recommended by Committee on Health, Ayes 11, Noes 0 630
- 02-11. A. Referred to committee on Rules 630
- 02-11. A. Placed on calendar 2-16-2016 by Committee on Rules
- 02-16. A. Fiscal estimate received
- 02-16. A. Rules suspended to withdraw from calendar and take up 674
- 02-16. A. Read a second time 674
- 02-16. A. **Assembly Amendment 1 adopted** 674
- 02-16. A. Ordered to a third reading 674
- 02-16. A. Rules suspended 674
- 02-16. A. Read a third time and **passed**, Ayes 98, Noes 0 674
- 02-16. A. Ordered immediately messaged 674
- 02-17. S. Received from Assembly 753
- 02-17. S. Read first time and referred to committee on Senate Organization 757
- 02-17. S. Available for scheduling
- 03-14. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (Im), Ayes 3, Noes 2
- 03-14. S. Placed on calendar 3-15-2016 pursuant to Senate Rule 18(1)
- 03-15. S. Read a second time
- 03-15. S. Ordered to a third reading
- 03-15. S. Rules suspended
- 03-15. S. Read a third time and **concurred in**
- 03-15. S. Ordered immediately messaged

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ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

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Amendments to above (if none, write "NONE"): AA1

Corrections - show date (if none, write "NONE"): ecc 2/10/16

Topic REL. CLAUSE

3/16/16
Date

Carole J
Enrolling Drafter



2015 ASSEMBLY BILL 766

January 22, 2016 - Introduced by Representatives NYGREN, TAUCHEN, SPIROS, PETERSEN, T. LARSON, QUINN, ROHRKASTE, CZAJA, PETRYK, SANFELIPPO, KATSMAN, KNODL, A. OTT, KITCHENS, NOVAK, KREMER, EDMING, DUCHOW, TRANEL, KAHL, BILLINGS, KOLSTE, GOYKE, OHNSTAD, CONSIDINE and HINTZ, cosponsored by Senators DARLING, HARSDOFF, MARKLEIN, OLSEN and CARPENTER. Referred to Committee on Health.

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

Analysis by the Legislative Reference Bureau

This bill creates program review and reporting requirements for the Prescription Drug Monitoring Program (PDMP) administered by the Controlled Substances Board. Beginning in 2017, the bill requires the board to conduct an annual review of the PDMP to evaluate the actual program outcomes compared with projected outcomes. That review must include an evaluation of the satisfaction with the PDMP of pharmacists, pharmacies, practitioners, and other users of the PDMP and the PDMP's impact on referrals of pharmacists, pharmacies, and practitioners to relevant boards for discipline and to law enforcement agencies for investigation and prosecution. The bill requires the board to report the results of its annual program review to the Department of Safety and Professional Services. The bill sunsets the program review requirement after the program review is conducted in 2020.

Also beginning in 2017, the bill requires the board to submit a report to DSPPS on an annual basis that includes all of the following:

1. An assessment of the trends and changes in the use of monitored prescription drugs in Wisconsin.
2. The number of practitioners, by profession, and pharmacies submitting records to the board under the PDMP.
3. A description of the number, frequency, and nature of certain submissions of information to the PDMP by law enforcement agencies, including notices of

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suspected violations of controlled substances laws, opioid-related drug overdoses, deaths as a result of using a narcotics, and reports of stolen controlled-substance prescriptions. This reporting requirement becomes effective only if 2015 Assembly Bill 365 becomes law.

4. A description of the number, frequency, and nature of requests for disclosure of records generated under the PDMP.

5. The number of individuals receiving prescription orders from five or more practitioners or having monitored prescription drugs dispensed by five or more pharmacies within the same 90-day period.

6. The number of individuals receiving daily morphine milligram equivalents of one to 19 milligrams, 20 to 49 milligrams, 50 to 99 milligrams, and 100 or more milligrams.

7. The number of individuals to whom both opioids and benzodiazepines were dispensed within the same 90-day period.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 961.385 (5) (a) Beginning in 2017, no later than October 1 of each year, the

3 board shall conduct a review of the program under this section to evaluate the actual

4 outcomes of the program compared with projected outcomes, as determined by the

5 board. The board’s review shall include an evaluation of all of the following:

6 1. The satisfaction with the program of pharmacists, pharmacies,

7 practitioners, and other users of the program.

8 2. The program’s impact on referrals of pharmacists, pharmacies, and

9 practitioners to licensing or regulatory boards for discipline and to law enforcement

10 agencies for investigation and possible prosecution.

11 (b) This subsection does not apply after October 1, 2020.

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

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1 961.385 (6) Beginning in 2017, no later than November 1 of each year, the board
2 shall provide a report to the department of safety and professional services for the
3 previous fiscal year that includes all of the following:

4 (a) The results of the board's review under sub. (5). This paragraph does not
5 apply after ~~November 1~~, 2020. *October 30*

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

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

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

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

14 (f) The number of individuals receiving prescription orders from 5 or more
15 practitioners or having monitored prescription drugs dispensed by 5 or more
16 pharmacies within the same 90-day period. *INS AA1 8.*

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

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

22 **SECTION 3. Nonstatutory provisions.** *course of the program*

23 (1) RECONCILIATION PROVISION. The treatment of 961.385 (6) (d) of the statutes
24 by this act takes effect only if the treatment of section 961.37 (3) (a) of the statutes
25 takes effect as shown in 2015 Wisconsin Act ... (Assembly Bill 365). If 2015

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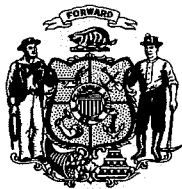
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SECTION 3

1 Wisconsin Act (Assembly Bill 365) does not become law, the treatment of section
2 961.385 (6) (d) of the statutes by this act is void.

3 (END)



State of Wisconsin
2015-2016 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 766**

Prepared by the Legislative Reference Bureau
(February 10, 2016)

1. Page 1, line 6: delete "to 5" and substitute "to 3".

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

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ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 766

February 2, 2016 – Offered by Representative NYGREN.

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

2 **1.** Page 2, line 2: delete “Beginning in 2017, no later than October 1 of each
3 year,” and substitute “Beginning with the 3rd calendar quarter of 2016, no later than
4 30 days after the end of each calendar quarter.”

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5 **2.** Page 2, line 11: delete “October 1, 2020” and substitute “October 30, 2020”.

6 **3.** Page 3, line 1: delete lines 1 to 5 and substitute:

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7 “961.385 (6) Beginning with the 3rd calendar quarter of 2016, no later than 30
8 days after the end of each calendar quarter, the board shall provide a report to the
9 department of safety and professional services that includes all of the following.”

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10 **4.** Page 3, line 5: delete “November 1, 2020” and substitute “October 30, 2020”.

11 **5.** Page 3, line 9: after “program” insert “in the previous quarter”.

12 **6.** Page 3, line 11: after “(a)” insert “in the previous quarter”.

1 **7.** Page 3, line 12: after “requests” insert “made in the previous quarter”.

2 **8.** Page 3, line 16: after “period” insert “at any time over the course of the
3 program”.

4 **9.** Page 3, line 19: after “milligrams” insert “in the previous quarter”.

5 **10.** Page 3, line 21: after “period” insert “at any time over the course of the
6 program”.

7 **11.** Page 3, line 21: after that line insert:

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

9 961.385 (7s) (a) The board may contract with an analytics firm to augment the
10 program under this section with an analytics platform that provides data
11 integration, advanced analytics, and alert management capabilities to detect
12 problematic behaviors of practitioners, pharmacies, pharmacists, and patients.

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

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

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

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

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

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(END)

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