



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 266
[2015 Assembly Bill 364]

**Prescription Drug Monitoring
Program**

2015 Wisconsin Act 266 (the Act) makes a number of changes to the Prescription Drug Monitoring Program (PDMP) administered by the Controlled Substances Board (CSB).

SUBMISSION OF INFORMATION TO THE PDMP

Under the Act, a pharmacy or practitioner generating a record under the PDMP when a monitored prescription drug is dispensed must submit the record to the CSB no later than 11:59 p.m. of the next business day after the monitored prescription drug is dispensed. Under prior law, there was no specific time frame required for the submission of a record generated under the PDMP.

REQUIREMENT TO CONSULT THE PDMP

Current law does not require a practitioner (generally, a person licensed in Wisconsin or another state to prescribe and administer drugs) to check the PDMP before issuing a prescription order.

The Act requires a practitioner to review a patient's PDMP records before the practitioner issues a prescription order for that patient for a monitored drug. However, this requirement does not go into effect until after the Secretary of the Department of Safety and Professional Services (DSPS) determines the PDMP is capable of electronically transmitting records to practitioners.¹

¹ The Act directs the DSPS Secretary to provide a notice to the Legislative Reference Bureau (LRB) when the Secretary determines the PDMP is operational and capable of electronically transmitting records to practitioners, in accordance with standards determined by the Secretary. The DSPS Secretary must consult with the CSB when making the determination. When the LRB receives the notification from the DSPS Secretary, it must

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

The requirement for a practitioner to review a patient's PDMP records before prescribing a monitored drug does not apply in the following circumstances:

- The patient is receiving hospice care.
- The prescription order is for a number of doses that is intended to last the patient three days or less and is not subject to refill.
- The drug is administered to the patient.
- Due to emergency, it is not possible for the practitioner to review the patient's PDMP records before issuing a prescription order for the patient.
- The practitioner is unable to review the patient's PDMP records because the PDMP digital platform is not operational or because of another technological failure, if the practitioner reports that failure to the CSB.

The requirement for a practitioner to consult the PDMP before prescribing a monitored drug sunsets three years after it goes into effect.

DISCLOSURE OF INFORMATION BY THE PDMP

Under current law, unchanged by the Act, the CSB must promulgate rules that specify the persons to whom PDMP records may be disclosed and the circumstances under which the disclosure may occur. The statute lists a number of entities to which the CSB must permit disclosure. The Act requires the CSB to permit disclosure to the following additional entities:

- Relevant prosecutorial units.
- Individuals authorized to treat alcohol or substance dependency or abuse.
- A practitioner, pharmacist, registered nurse, or substance abuse counselor who is treating or rendering assistance to the patient.
- Certain individuals for the purposes of evaluating the job performance of a practitioner or performing certain quality assessment and improvement activities, if the information disclosed does not contain personally identifiable information.

The Act also specifies that a record may be released to a state board or agency, agency of another state, law enforcement agency, or prosecutorial unit only if a written request is made, the requester is engaged in an active and specific investigation or prosecution of a drug violation, and the record being requested is reasonably related to that investigation or prosecution.

promptly publish the notice in the Wisconsin Administrative Register. The requirement for a practitioner to review a patient's PDMP records before prescribing a monitored drug takes effect on the 30th day after the date of publication of the notice.

APPLICABILITY TO DRUGS DISPENSED PURSUANT TO A VETERINARIAN'S PRESCRIPTION ORDER

Pharmacists are authorized to dispense monitored drugs prescribed for an animal by a veterinarian. Under prior law, requirements related to the PDMP did not apply the dispensing of drugs prescribed by veterinarians. Under the Act, the requirements of the PDMP pertaining to the dispensing of monitored drugs by pharmacists apply to monitored drugs dispensed pursuant to a prescription order issued by a veterinarian for a patient that is an animal. However, as under prior law, a veterinarian is not a practitioner for purposes of the PDMP and, therefore, veterinarians are not required to submit information to the PDMP.

Effective date: March 19, 2016, except as otherwise noted.

Prepared by: Mary Matthias, Principal Attorney

March 25, 2016

MM:mcm;ksm