

2017 DRAFTING REQUEST**Assembly Amendment (AA-AA1-AB907)**

For: **John Nygren (608) 266-2343** Drafter: **mduchek**
 By: **Chris** Secondary Drafters:
 Date: **2/15/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Nygren@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Continuing education

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 2/15/2018				
/P1	mduchek 2/16/2018	aernstr 2/16/2018	lparisi 2/16/2018		
/P2	mduchek 2/20/2018	anienaja 2/20/2018	jmurphy 2/16/2018		
/1			lparisi 2/20/2018	lparisi 2/20/2018	

FE Sent For:

<END>

Duchek, Michael

From: Borgerding, Chris
Sent: Thursday, February 15, 2018 4:17 PM
To: Duchek, Michael
Cc: Bemis, Zach
Subject: Re: amendment to AB 907

I don't think we will have any other changes so I'd defer to option 1. Can see if Zach has any preference.

Thanks Mike!

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On Thu, Feb 15, 2018 at 4:15 PM -0600, "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov> wrote:

So... I see we already have AA1 (which was introduced and rec'd by Joint Finance) where we gave the boards emergency rule authority to do these CME requirements and did a delay on them. So those will need to somehow come out. So here are the options I would suggest:

1. I can actually amend AA1 to take that stuff out and swap what you have in below.
2. I can do a new amendment (which would then be AA2 presumably) that would do what is described above and otherwise include what is in AA1. In that case, AA1 would be dead and would not be voted on on the floor.

Let me know your preference. I would say #1 may be the most straightforward, but it may depend on whether you think there will be other changes too...

-Mike

From: Borgerding, Chris
Sent: Thursday, February 15, 2018 2:04 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Cc: Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Subject: amendment to AB 907

Good afternoon Mike,

We are looking to amend AB 907 pertaining to continuing education in the following ways:

We would like to remove all sections from the bill pertaining statutory CME requirement for professions that prescribe controlled substances. We would like to replace it with language that requires each regulatory board overseeing professions that can prescribe controlled substances to submit a report to the Governor's Task Force on Opioid Abuse and standing Health Committees detailing the proactive efforts it has taken to address the opioid abuse. The first report is due 6 months following enactment and then once a year following that. The regulatory boards should outline goals they will take to address the opioid crisis in their respective fields. In subsequent reports, they should outline the actions they have taken to achieve these goals or reasons they are missing them.

Please let me know if you have any questions regarding this amendment. This is on the floor next Tuesday, the 20th, so we would need it a day or two before then.

Thank you very much!

Chris

Chris Borgerding

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2184/P1

MED:...

ln 2-15
Oct 2-16

ahc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 907

sa✓

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

2 **1.** Page 1, line 2: delete lines 2 and 3 and substitute:

3 FRZ ← "1g. Page 1, line 7: delete the material beginning with "continuing" and ending
4 with "practitioners;" on line 9 and substitute "reporting requirements for certain
5 credentialing boards related to opioids;"

6 FRZ ← 1r. Page 2, line 2: delete that line and substitute "counseling; and making
7 appropriations;"

8 **2.** Page 2, line 6: after that line insert:

9 FRZ ← "3m. Page 6, line 18: after that line insert:

10 "SECTION 7e. 227.01 (13) (zk) of the statutes is amended to read:

1 227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m) (a).

History: 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237; 1999 a. 9, 70; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 38, 109; 2003 a. 33 ss. 2364, 2813; 2005 a. 217, 418; 2007 a. 20; 2009 a. 2, 28, 219, 391; 2011 a. 14, 32, 118, 167; 2013 a. 20, 22, 52, 101; 2013 a. 116 s. 31; 2013 a. 125, 134, 136; 2013 a. 151 s. 28; 2013 a. 210, 277, 278, 295, 320, 332, 361, 363, 377; 2015 a. 55, 90, 163, 196, 205, 208, 269.

2 SECTION 7m. 440.035 (2m) of the statutes is renumbered 440.035 (2m) (a).

3 SECTION 7s. 440.035 (2m) (b) of the statutes is created to read:

4 440.035 (2m) (b) 1. The medical examining board, the podiatry affiliated
5 credentialing board, the board of nursing, the dentistry examining board, and the
6 optometry examining board shall, by the first day of the 7th month beginning after
7 the effective date of this subdivision [LRB inserts date], and annually thereafter,
8 submit a report to the persons specified in subd. 2. that does all of the following:

 ***NOTE: These are the same boards that are referenced in current law regarding
 prescribing guidelines, and I think are all of the boards (other than the Veterinary
 Examining Board, which is now outside of DSPS) that oversee professionals with
 controlled substance prescribing authority.

 ***NOTE: I split the contents of the report out below to make it easier to read and
 parse. For one thing, I wasn't entirely sure if the goals were to be met more by the boards
 themselves or the professionals, or possibly both. Please read below and let me know if
 the way I parsed this out does not meet your intent.

9 a. Details proactive efforts taken by the board to address the issue of opioid
10 abuse.

 ***NOTE: Let me know if you want to refer more broadly to "controlled substances"
 (instead of "opioids") so as to include drugs such as meth, which is not an opioid but is
 abused.

11 b. Sets goals for addressing the issue of opioid abuse, as that issue pertains to
12 or implicates the practices of the professions regulated by the board.

13 c. Describes the actions taken by the board so that the goals described in subd.
14 1. b. that were identified in the board's previous reports under this paragraph can
15 be achieved, whether those goals have been achieved, and, if the goals have not been
16 achieved, the reasons therefor.

17 2. A report under subd. 1. shall be submitted to all of the following:

1 a. Any committee, task force, or other body or person designated by the
2 governor.

✗ ~~by Executive Order and delineated as a committee under s. 14.019~~, so I therefore used
more vague language here to allow the governor to designate a recipient(s). Will this
governor to designate someone else appropriate to receive it.

3 b. To the appropriate standing committees of the legislature with jurisdiction
4 over health issues under s. 13.172 (3).”.”.

5 **3.** Page 2, line 9: after that line insert:

6 FRZ ← “4e. Page 8, line 3: delete lines 3 to 12.”

7 FRZ ← 4m. Page 8, line 23: delete the material beginning with that line and ending
8 with page 9, line 17.”

9 FRZ ← 4s. Page 10, line 3: delete the material beginning with that line and ending with
10 page 13, line 6.”.

11 **4.** Page 6, line 10: delete the material beginning with that line and ending with
12 page 8, line 18.”

13 (END)

Duchek, Michael

From: Borgerding, Chris
Sent: Friday, February 16, 2018 1:16 PM
To: Duchek, Michael
Subject: Re: amendment to AB 907

Yes we are going to stay with opioids. Thank you!

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On Fri, Feb 16, 2018 at 1:14 PM -0600, "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov> wrote:

Sure. Did you see my note re: opioids vs. controlled substances?

From: Borgerding, Chris
Sent: Friday, February 16, 2018 12:54 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: amendment to AB 907

Hi Mike,

Thanks for the quick turnaround on the draft. I think it looks great. One addition I think we should also add an explicit reference to continuing education requirements. I'd suggest clarify so it also requires them to include what continuing education requirements they currently have in place for controlled substance prescribing.

Thanks,

Chris

From: Borgerding, Chris
Sent: Thursday, February 15, 2018 4:17 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Cc: Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Subject: Re: amendment to AB 907

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On Thu, Feb 15, 2018 at 4:15 PM -0600, "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov> wrote:

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Sent: Thursday, February 15, 2018 2:04 PM
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Thank you very much!

Chris

Chris Borgerding
Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343



State of Wisconsin
2017 - 2018 LEGISLATURE

In 2-16
TODAY

LRBa2184/B1
MED:ahe

72

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 907**

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

2 **1.** Page 1, line 2: delete lines 2 and 3 and substitute:

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4 with "practitioners;" on line 9 and substitute "reporting requirements for certain
5 credentialing boards related to opioids;"

6 1r. Page 2, line 2: delete that line and substitute "counseling; and making
7 appropriations."."

8 **2.** Page 2, line 6: after that line insert:

9 "3m. Page 6, line 18: after that line insert:

10 "SECTION 7^{ed} 227.01 (13) (zk) of the statutes is amended to read:

11 227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m) (a). see (b)

Ins 2-1

1 **SECTION 7m.** 440.035 (2m) of the statutes is renumbered 440.035 (2m) (a).

2 **SECTION 7^{et} (b)** 440.035 (2m) ^{e(c)} of the statutes is created to read:

3 440.035 (2m) ^{e(c)} (b) 1. The medical examining board, the podiatry affiliated
4 credentialing board, the board of nursing, the dentistry examining board, and the
5 optometry examining board shall, by the first day of the 7th month beginning after
6 the effective date of this subdivision [LRB inserts date], and annually thereafter,
7 submit a report to the persons specified in subd. 2. that does all of the following:

***NOTE: These are the same boards that are referenced in current law regarding prescribing guidelines, and I think are all of the boards (other than the Veterinary Examining Board, which is now outside of DSPS) that oversee professionals with controlled substance prescribing authority.

***NOTE: I split the contents of the report out below to make it easier to read and parse. For one thing, I wasn't entirely sure if the goals were to be met more by the boards themselves or the professionals, or possibly both. Please read below and let me know if the way I parsed this out does not meet your intent.

8 a. Details proactive efforts taken by the board to address ^{otherwise} the issue of opioid
9 abuse. ^{The board shall specify whether the board has required, or encouraged, continuing} education related to prescribing controlled substances for persons ^{continuing} credentialed by that ^{board} board who are authorized to prescribe controlled substances.

***NOTE: Let me know if you want to refer more broadly to "controlled substances" (instead of "opioids") so as to include drugs such as meth, which is not an opioid but is abused.

10 b. Sets goals for addressing the issue of opioid abuse, as that issue pertains to
11 or implicates the practices of the professions regulated by the board.

12 c. Describes the actions taken by the board so that the goals described in subd.
13 1. b. that were identified in the board's previous reports under this paragraph can
14 be achieved, whether those goals have been achieved, and, if the goals have not been
15 achieved, the reasons therefor.

16 2. A report under subd. 1. shall be submitted to all of the following:

17 a. Any committee, task force, or other body or person designated by the
18 governor.

***NOTE: The governor's opioid task force is not created in statute (it is created by executive order and delineated as a committee under s. 14.019), so I therefore used more

vague language here to allow the governor to designate a recipient(s). Will this work?
In case the task force dissolves for whatever reason, this would also allow the governor
to designate someone else appropriate to receive it.

1 b. To the appropriate standing committees of the legislature with jurisdiction
2 over health issues under s. 13.172 (3).”.”.

3 **3.** Page 2, line 9: after that line insert:

4 “4e. Page 8, line 3: delete lines 3 to 12.

5 4m. Page 8, line 23: delete the material beginning with that line and ending
6 with page 9, line 17.

7 4s. Page 10, line 3: delete the material beginning with that line and ending with
8 page 13, line 6.”.

9 **4.** Page 6, line 10: delete the material beginning with that line and ending with
10 page 8, line 18.

11

(END)

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2184/P2ins
MED:...

1 SECTION 7^{ep}h. 440.035 (2m) (a) of the statutes is created to read:

2 440.035 (2m) (a) In this subsection, "controlled substance" has the meaning
3 given in s. 961.01 (4).

4 SECTION 7^{en}p. 440.035 (2m) of the statutes is renumbered 440.035 (2m) (b) and
5 amended to read:

6 440.035 (2m) (b) The medical examining board, the podiatry affiliated
7 credentialing board, the board of nursing, the dentistry examining board, or the
8 optometry examining board may issue guidelines regarding best practices in
9 prescribing controlled substances, as defined in s. 961.01 (4), for persons
10 credentialed by that board who are authorized to prescribe controlled substances.

History: 1977 c. 418 ss. 25, 793, 929 (41); 1979 s. 32 s. 92 (1); 1979 c. 34; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 107; 1997 a. 27, 191, 237; 2015 a. 269; 2017 a. 59.

Duchek, Michael

From: Borgerding, Chris
Sent: Tuesday, February 20, 2018 12:59 PM
To: Duchek, Michael
Subject: Re: stripes for LRBa2184/P2

Yes. Does not include PA requirement for cme

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On Tue, Feb 20, 2018 at 12:57 PM -0600, "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov> wrote:

Sure. This one *just* requires the reporting, right?

From: Borgerding, Chris
Sent: Tuesday, February 20, 2018 12:55 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: stripes for LRBa2184/P2

Hi Mike, could I have LRBa2184/P2 drafted for introduction ASAP?

Thank you!

Chris Borgerding
Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2184/P2
MED:ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 907

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9 "3m. Page 6, line 18: after that line insert:

10 "**SECTION 7d.** 227.01 (13) (zk) of the statutes is amended to read:

11 227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m) (b).

1 **SECTION 7h.** 440.035 (2m) of the statutes is renumbered 440.035 (2m) (b) and
2 amended to read:

3 440.035 **(2m)** (b) The medical examining board, the podiatry affiliated
4 credentialing board, the board of nursing, the dentistry examining board, or the
5 optometry examining board may issue guidelines regarding best practices in
6 prescribing controlled substances, ~~as defined in s. 961.01 (4)~~, for persons
7 credentialed by that board who are authorized to prescribe controlled substances.

8 **SECTION 7p.** 440.035 (2m) (a) of the statutes is created to read:

9 440.035 **(2m)** (a) In this subsection, “controlled substance” has the meaning
10 given in s. 961.01 (4).

11 **SECTION 7t.** 440.035 (2m) (c) of the statutes is created to read:

12 440.035 **(2m)** (c) 1. The medical examining board, the podiatry affiliated
13 credentialing board, the board of nursing, the dentistry examining board, and the
14 optometry examining board shall, by the first day of the 7th month beginning after
15 the effective date of this subdivision [LRB inserts date], and annually thereafter,
16 submit a report to the persons specified in subd. 2. that does all of the following:

17 a. Details proactive efforts taken by the board to address the issue of opioid
18 abuse. The board shall specify whether the board has required, or otherwise
19 encouraged, continuing education related to prescribing controlled substances for
20 persons credentialed by that board who are authorized to prescribe controlled
21 substances.

22 b. Sets goals for addressing the issue of opioid abuse, as that issue pertains to
23 or implicates the practices of the professions regulated by the board.

24 c. Describes the actions taken by the board so that the goals described in subd.

25 1. b. that were identified in the board’s previous reports under this paragraph can

1 be achieved, whether those goals have been achieved, and, if the goals have not been
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3 2. A report under subd. 1. shall be submitted to all of the following:

4 a. Any committee, task force, or other body or person designated by the
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10 4m. Page 8, line 23: delete the material beginning with that line and ending
11 with page 9, line 17.

12 4s. Page 10, line 3: delete the material beginning with that line and ending with
13 page 13, line 6.”.

14 **4.** Page 6, line 10: delete the material beginning with that line and ending with
15 page 8, line 18.

16 (END)