2019 DRAFTING REQUEST

Assembly Amendment (AA-AB788)

For:	**David Murphy (608) 266-7500**	Drafter:	**mduchek**
By:	**Michael**	Secondary Drafters:	
Date:	**2/12/2020**	May Contact:	

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Clinics exemption

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Submitted	Jacketed	Required
/?	mduchek 2/12/2020	csicilia 2/12/2020			
/P1	mduchek 2/12/2020	csicilia 2/12/2020	lparisi 2/12/2020		
/1			jmurphy 2/12/2020	jmurphy 2/12/2020	

FE Sent For: **<END>**

Duchek, Michael

From: Moscicke, Michael
Sent: Wednesday, February 12, 2020 9:43 AM
To: Duchek, Michael
Cc: Jolly, Marie; Brauer, Andrea
Subject: RE: Pharmacy Legislation Concern (AB 788 / SB 738)

Hi Michael,
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Thanks,

Michael Moscicke
Office of State Representative Dave Murphy
Wisconsin State Assembly
Room 318 North State Capitol
Madison, WI 53708-8953
Phone: +1 608-266-7500

From: Brauer, Andrea <Andrea.Brauer@legis.wisconsin.gov>
Sent: Wednesday, February 12, 2020 9:27 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Moscicke, Michael <Michael.Moscicke@legis.wisconsin.gov>
Cc: Jolly, Marie <Marie.Jolly@legis.wisconsin.gov>
Subject: RE: Pharmacy Legislation Concern (AB 788 / SB 738)

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Staff Attorney, Wisconsin Legislative Council
608.504.5714 | andrea.brauer@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Wednesday, February 12, 2020 9:04 AM
To: Moscicke, Michael <Michael.Moscicke@legis.wisconsin.gov>
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Veterinarians can practice pharmacy under the exception in s. 450.03 **(e),** which applies for persons lawfully practicing within the scope of another license, including veterinarians. Their practice therefore wouldn't have to be licensed as a pharmacy.

I'm happy to go over this at the hearing.

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Importance: High

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To: Rep.Murphy <Rep.Murphy@legis.wisconsin.gov>; Sen.Feyen <Sen.Feyen@legis.wisconsin.gov>
Cc: Jolly, Marie <Marie.Jolly@legis.wisconsin.gov>; Handrick, Diane <Diane.Handrick@legis.wisconsin.gov>; Moscicke, Michael <Michael.Moscicke@legis.wisconsin.gov>; Lakin, Tim <Tim.Lakin@legis.wisconsin.gov>
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Importance: High

Good morning, Representative Murphy and Senator Feyen. I am emailing because I see that you have introduced AB 788 and SB 738, which is aimed at licensing and regulation of pharmacies and remote dispensing sites under the pharmacy practice law.

I am emailing on behalf of the **Wisconsin Veterinary Medical Association (WVMA)**, which is the trade association that represents Wisconsin veterinarians and veterinary technicians. Most of this bill doesn't apply to us, but we reviewed the legislation in-depth on Friday afternoon and we believe it could have unintended consequences for Wisconsin Veterinarians.

Wisconsin veterinarians are authorized under state and federal law to both prescribe and *dispense* prescription drugs. But, they are not licensed as pharmacists and their clinics are not licensed as pharmacies. They are regulated in part by the Pharmacy Examining Board, in part by the DEA/Controlled Substances Board (for scheduled drugs) and in part by their own licensing board housed at DATCP, the Veterinary Examining Board.

The concern is that this bill could have the unintended consequence of requiring veterinary practices to be licensed as pharmacies. The bill makes the following facilities, which are listed in current law under s. 540.062, Stats, to be licensed as pharmacies, or under this bill they are permitted to be designated "remote dispensing sites":

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- The office or clinic of a practitioner.

- A county jail, rehabilitation facility under s. 59.53 (8), state prison under s. 302.01, or county house of correction under s. 303.16 (1).
- A juvenile correctional facility under s. 938.02 (10p), juvenile detention facility under s. 938.02 (10r), residential care center for children and youth under s. 938.02 (15d), secured residential care center for children and youth under s. 938.02 (15g), type 1 juvenile correctional facility under s. 938.02 (19), type 2 residential care center for children and youth under s. 938.02 (19r), or type 2 juvenile correctional facility under s. 938.02 (20).

Most of the above facilities cannot be considered veterinary practices. However, we are slightly concerned about an "office or clinic of a practitioner." A practitioner under Chapter 450 is defined as "a person licensed in this state to prescribe and administer drugs or licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs."

If a veterinarian can reasonably be understood as being "licensed . . .to prescribe and administer drugs," then we have an issue with this bill unintentionally requiring licensure for veterinary practices.

Could you please ask legislative council to review this concern? Would you be willing to consider a simple amendment that would clarify that this legislation does not apply to Wisconsin veterinarians?

I realize that this is short timing as the Assembly version of this bill is scheduled for a public hearing on Wednesday, Feb 5, 2020 at 11:00 a.m.: https://docs.legis.wisconsin.gov/raw/cid/1538057.

I am happy to come in to your offices to discuss this on Monday.

Thank you for your consideration,
Jordan Lamb

Jordan K. Lamb
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F: 608.252.9243
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www.dewittllp.com

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<image005.png>

State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1187/?
MED:...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 788

At the locations indicated, amend the bill as follows:

1. Page 1, line 5: after "practice law," insert "the practice of pharmacy,".

2. Page 2, line 1: before that line insert:

"**SECTION 1g.** 450.01 (11o) of the statutes is created to read:

450.01 **(11o)** "Free and charitable clinics" means health care organizations that use a volunteer and staff model to provide health services to uninsured, underinsured, underserved, economically and socially disadvantaged, and vulnerable populations and that meet all of the following criteria:

(a) The organizations are nonprofit and tax exempt or are a part of a larger nonprofit, tax-exempt organization.

(b) The organizations are located in this state or serve residents in this state.

(c) The organizations restrict eligibility to receive services to individuals who are uninsured, underinsured, or have limited or no access to primary, specialty, or prescription care.

(d) The organizations provide one or more of the following services:

1. Medical care.

2. Mental health care.

3. Dental care.

4. Prescription medications.

(e) The organizations use volunteer health care professionals, nonclinical volunteers, and partnerships with other health care providers to provide the services under subd. 4. par. (d)

(f) The organizations are not federally qualified health centers as defined in 42 USC 1396d (l) (2) and do not receive reimbursement from the federal centers for medicare and medicaid services under a federally qualified health center payment methodology.".

****NOTE: This is the definition I was given for a free and charitable clinic.

3. Page 2, line 8: after that line insert:

"**SECTION 2m.** 450.03 (1) (L) of the statutes is created to read:

450.03 **(1)** (L) A person who is providing services as directed, supervised, and inspected by a person described in par. (e) in any of the following settings:

****NOTE: Let me know if this describes these individuals.

1. A narcotic treatment service for opiate addiction, as defined in s. 51.4224 (1) (a).

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(END)

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From: Moscicke, Michael
Sent: Wednesday, February 12, 2020 3:32 PM
To: Duchek, Michael
Cc: Jolly, Marie; Brauer, Andrea
Subject: RE: Pharmacy Legislation Concern (AB 788 / SB 738)
Attachments: 19a1187_P1.pdf

The amendment looks great. Can you convert it to a /1 and have it jacketed?
Thanks,

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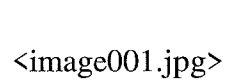
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www.dewittllp.com

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1187/P1
MED:cjs

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