

1 (b) The number of pharmacies, health care providers, and health plans and
2 health insurance policies participating in the prescription drug importation program
3 under this section.

4 (c) The estimated amount of savings to residents of the state, health plans and
5 health insurance policies, and employers resulting from the implementation of the
6 prescription drug importation program under this section reported from the date of
7 the previous report under this subsection and from the date the program was fully
8 operational.

9 (d) Findings of any audit functions under sub. (1) (n) completed since the date
10 of the previous report under this subsection.”.

11 **78.** Page 433, line 5: delete lines 5 to 11 and substitute:

12 “**SECTION 1892b.** 250.10 (1m) (b) of the statutes is amended to read:

13 250.10 (1m) (b) Award in each fiscal year to qualified applicants grants totaling
14 ~~\$25,000~~ no less than \$50,000 for fluoride supplements, ~~\$25,000 for a fluoride~~
15 ~~mouth-rinse program~~ varnish and other evidence-based oral health activities,
16 \$700,000 for school-based preventive dental services, and ~~\$120,000 for a~~
17 ~~school-based dental sealant program~~ \$100,000 for school-based restorative dental
18 services.”.

19 **79.** Page 433, line 12: delete the material beginning with that line and ending
20 with page 434, line 2, and substitute:

21 “**SECTION 1893b.** 250.20 (3) of the statutes is amended to read:

22 250.20 (3) From the appropriation account under s. 20.435 (1) ~~(kb)~~ (cr), the
23 department shall annually award grants for activities to improve the health status
24 of economically disadvantaged minority group members. A person may apply, in the

1 manner specified by the department, for a grant of up to \$50,000 in each fiscal year
2 to conduct these activities. An awardee of a grant under this subsection shall
3 provide, for at least 50 percent of the grant amount, matching funds that may consist
4 of funding or an in-kind contribution. An applicant that is not a federally qualified
5 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants
6 awarded under this subsection. An applicant that provides maternal and child
7 health services shall receive priority for grants awarded under this subsection.

8 **SECTION 1894b.** 250.20 (4) of the statutes is amended to read:

9 250.20 (4) From the appropriation account under s. 20.435 (1) (~~kb~~) (cr), the
10 department shall award a grant of up to \$50,000 in each fiscal year to a private
11 nonprofit corporation that applies, in the manner specified by the department, to
12 conduct a public information campaign on minority health.”

13 **80.** Page 434, line 3: delete the material beginning with that line and ending
14 with page 445, line 17, and substitute:

15 “**SECTION 1896b.** 253.06 (1) (a) of the statutes is renumbered 253.06 (1) (am)
16 and amended to read:

17 253.06 (1) (am) “Authorized Approved food” means food identified by the
18 department as an authorized food in accordance with 7 CFR 246.10 as acceptable for
19 use under the federal special supplemental food nutrition program for women,
20 infants and children under 42 USC 1786.

21 **SECTION 1897b.** 253.06 (1) (ag) of the statutes is created to read:

22 253.06 (1) (ag) “Alternate participant” means a person who has been
23 authorized by a participant to request benefits, participate in nutrition education,

1 bring an infant or child to a Women, Infants, and Children program appointment,
2 and have access to information in the participant's file.

3 **SECTION 1898b.** 253.06 (1) (b) of the statutes is repealed.

4 **SECTION 1899b.** 253.06 (1) (br) of the statutes is created to read:

5 253.06 (1) (br) "Cardholder" means a participant; alternate participant;
6 parent, legal guardian, or caretaker of a participant; or another person in possession
7 of a Women, Infants, and Children program electronic benefit transfer card and the
8 personal identification number for the card.

9 **SECTION 1900b.** 253.06 (1) (c) of the statutes is repealed.

10 **SECTION 1901b.** 253.06 (1) (cm) of the statutes is amended to read:

11 253.06 (1) (cm) "Food Direct distribution center" means an entity, other than
12 a vendor, that is under contract with the department under sub. (3m) to distribute
13 authorized approved food to participants.

14 **SECTION 1902b.** 253.06 (1) (cp), (cr), (ct) and (cv) of the statutes are created to
15 read:

16 253.06 (1) (cp) "Electronic benefit transfer" means a method that permits
17 electronic access to Women, Infants, and Children program benefits using a device,
18 approved by the department, with payments made in accordance with ch. 410.

19 (cr) "Food instrument" means a voucher, check, electronic benefit transfer card,
20 electronic benefit transfer card number and personal identification number, coupon,
21 or other method used by a participant to obtain Women, Infants, and Children
22 program approved foods.

23 (ct) "Infant formula supplier" means a wholesaler, distributor, retailer, or
24 manufacturer of infant formula.

1 (cv) "Local agency" means an entity that has a contract with the department
2 to provide services under the Women, Infants, and Children program such as
3 eligibility determination, benefit issuance, and nutritional counseling for
4 participants.

5 **SECTION 1903b.** 253.06 (1) (dm) of the statutes is repealed.

6 **SECTION 1904b.** 253.06 (1) (dr) and (dv) of the statutes are created to read:

7 253.06 (1) (dr) "Summary suspension" means an emergency action taken by the
8 department to suspend an authorization under the Women, Infants, and Children
9 program.

10 (dv) "Trafficking" means doing any of the following:

11 1. Buying, selling, stealing, or otherwise exchanging for cash or consideration
12 other than approved food Women, Infants, and Children program food instruments
13 or benefits that are issued and accessed via a food instrument.

14 2. Exchanging firearms, ammunition, explosives, or controlled substances, as
15 defined in 21 USC 802, for a food instrument.

16 3. Intentionally purchasing and reselling for cash or consideration other than
17 approved food a product that is purchased with a food instrument.

18 4. Intentionally purchasing with cash or consideration other than approved
19 food a product that was originally purchased with a food instrument.

20 **SECTION 1905b.** 253.06 (1) (e) of the statutes is amended to read:

21 253.06 (1) (e) "Vendor" means a grocery store or pharmacy that sells authorized
22 person that operates one or more stores or pharmacies authorized by the department
23 under sub. (3) to provide approved foods under a retail food delivery system.

24 **SECTION 1906b.** 253.06 (1) (f) of the statutes is repealed.

25 **SECTION 1907b.** 253.06 (1) (g) of the statutes is created to read:

1 253.06 (1) (g) “Women, Infants, and Children program” means the federal
2 special supplemental nutrition program for women, infants and children under 42
3 USC 1786 and this section.

4 **SECTION 1908b.** 253.06 (1m) of the statutes is created to read:

5 253.06 (1m) PROGRAM ADMINISTRATION. (a) The department may identify an
6 alternate participant as the Women, Infants, and Children program cardholder for
7 purposes of electronic administration of the Women, Infants, and Children program.

8 **SECTION 1909b.** 253.06 (3) (a) (intro.) of the statutes is amended to read:

9 253.06 (3) (a) (intro.) The department may authorize a vendor to accept drafts
10 only if the vendor meets all of the following conditions:

11 **SECTION 1910b.** 253.06 (3) (a) 5. of the statutes is created to read:

12 253.06 (3) (a) 5. The vendor has an electronic benefit transfer-capable cash
13 register system or payment device, approved by the department, that is able to
14 accurately and securely obtain Women, Infants, and Children program food balances
15 associated with the electronic benefit transfer card, maintain the necessary
16 electronic files such as the approved food list, successfully complete Women, Infants,
17 and Children program electronic benefit transfer purchases, and process Women,
18 Infants, and Children program electronic benefit transfer payments.

19 **SECTION 1911b.** 253.06 (3) (bg) of the statutes is amended to read:

20 253.06 (3) (bg) The department may limit the number of vendors that it
21 authorizes under this subsection if the department determines that the number of
22 vendors already authorized under this subsection is sufficient to permit participants
23 to obtain authorized approved food conveniently.

24 **SECTION 1912b.** 253.06 (3) (c) of the statutes is amended to read:

1 253.06 (3) (c) The department may not redeem drafts food instruments only
2 when submitted by a person who is not an authorized vendor under this subsection
3 except as provided in sub. (3m).

4 **SECTION 1913b.** 253.06 (3) (d) of the statutes is created to read:

5 253.06 (3) (d) Each store operated by a business entity is a separate vendor for
6 purposes of this section and is required to have a single, fixed location, except when
7 the authorization of mobile stores is necessary to meet special needs in accordance
8 with 7 CFR 246.4 (1) (14) (xiv). The department shall require that each store be
9 authorized as a vendor separately from other stores operated by the business entity.

10 **SECTION 1914b.** 253.06 (3m) (title) and (a) (intro.) of the statutes are amended
11 to read:

12 253.06 (3m) (title) ~~FOOD~~ DIRECT DISTRIBUTION CENTERS. (a) (intro.) The
13 department may contract for an alternative system of authorized approved food
14 distribution with an entity other than a vendor only if the entity meets all of the
15 following requirements:

16 **SECTION 1915b.** 253.06 (3m) (a) 4. of the statutes is created to read:

17 253.06 (3m) (a) 4. The entity has an electronic benefit transfer-capable cash
18 register system or payment device, approved by the department, that is able to
19 accurately and securely obtain Women, Infants, and Children program food balances
20 associated with the electronic benefit transfer card, maintain the necessary files,
21 successfully complete Women, Infants, and Children program electronic benefit
22 transfer purchases, and process Women, Infants, and Children program electronic
23 benefit transfer payments.

24 **SECTION 1916b.** 253.06 (3m) (b) of the statutes is amended to read:

1 253.06 (3m) (b) The department shall ~~redeem valid drafts~~ may process a
2 payment if submitted by a food direct distribution center that is authorized by the
3 department under this subsection.

4 **SECTION 1917b.** 253.06 (4) (a) 1. of the statutes is amended to read:

5 253.06 (4) (a) 1. ~~Accept drafts or submit drafts~~ a food instrument or submit a
6 request to the department for redemption without authorization.

7 **SECTION 1918b.** 253.06 (4) (a) 2. of the statutes is repealed.

8 **SECTION 1919b.** 253.06 (4) (a) 2m. of the statutes is created to read:

9 253.06 (4) (a) 2m. Engage in trafficking.

10 **SECTION 1920b.** 253.06 (4) (a) 3. to 4. of the statutes are amended to read:

11 253.06 (4) (a) 3. ~~Accept a draft~~ food instrument other than in exchange for
12 authorized approved food that is ~~provided by the person selected by the electronic~~
13 benefit transfer cardholder.

14 3m. Provide authorized approved food or other commodities to ~~a participant~~
15 ~~or proxy~~ an electronic benefit transfer cardholder in exchange for a ~~draft food~~
16 instrument accepted by a 3rd party.

17 4. ~~Enter on a draft~~ Submit a payment request for a dollar amount that is higher
18 than the actual retail price of the item for which the draft a food instrument was used.

19 **SECTION 1921b.** 253.06 (4) (a) 5. of the statutes is repealed.

20 **SECTION 1922b.** 253.06 (4) (a) 5m. of the statutes is created to read:

21 253.06 (4) (a) 5m. Confiscate a food instrument or ask for or enter the electronic
22 benefit transfer cardholder's personal identification number.

23 **SECTION 1923b.** 253.06 (4) (a) 6. and 8. of the statutes are repealed.

24 **SECTION 1924b.** 253.06 (4) (a) 9. of the statutes is amended to read:

1 253.06 (4) (a) 9. ~~Submit for redemption a draft~~ Provide to someone other than
2 the department a food instrument; a Women, Infants, and Children program
3 electronic benefit transfer card; or food purchased with a food instrument for
4 something of value.

5 **SECTION 1925b.** 253.06 (4) (a) 10. of the statutes is repealed.

6 **SECTION 1926b.** 253.06 (5) (a) 1. and 2. of the statutes are amended to read:

7 253.06 (5) (a) 1. Minimum qualification standards for the authorization of
8 vendors and infant formula suppliers and for the awarding of a contract to an entity
9 under sub. (3m).

10 2. Standards of operation for authorized vendors and infant formula suppliers
11 and ~~food~~ direct distribution centers, including prohibited practices.

12 **SECTION 1927b.** 253.06 (5) (b) 1. to 3. of the statutes are amended to read:

13 253.06 (5) (b) 1. Denial of the application to be a participant or authorized
14 vendor or infant formula supplier.

15 2. ~~Suspension~~ Summary suspension or termination of authorization for an
16 authorized vendor or infant formula supplier or, in the case of a ~~food~~ direct
17 distribution center, termination of the contract.

18 3. Disqualification from the program under this section for a vendor, infant
19 formula supplier, or participant.

20 **SECTION 1928b.** 253.06 (5) (b) 6. to 8. of the statutes are created to read:

21 253.06 (5) (b) 6. Civil monetary penalty.

22 7. Warning letter.

23 8. Implementation of a corrective action plan.

24 **SECTION 1929b.** 253.06 (5) (d) (intro.) and 6. of the statutes are amended to
25 read:

1 253.06 (5) (d) (intro.) The department may directly assess a forfeiture provided
2 for under par. (b) 4., recoupment provided for under par. (b) 5. and an enforcement
3 assessment provided for under par. (c). If the department determines that a
4 forfeiture, recoupment or enforcement assessment should be levied, or that
5 authorization or eligibility should be summarily suspended or terminated, for a
6 particular violation or for failure to correct it, the department shall send a notice of
7 assessment, summary suspension or termination to the vendor, ~~food~~ infant formula
8 supplier, direct distribution center or participant. The notice shall inform the
9 vendor, ~~food~~ infant formula supplier, direct distribution center or participant of the
10 right to a hearing under sub. (6) and shall specify all of the following:

11 6. If applicable, ~~that the suspension or termination of authorization of the~~
12 ~~vendor or eligibility of the participant is effective beginning on the 15th day after~~
13 ~~receipt~~ date of the notice of summary suspension or termination.

14 **SECTION 1930b.** 253.06 (5) (e) of the statutes is renumbered 253.06 (5) (e) 1. and
15 amended to read:

16 253.06 (5) (e) 1. The ~~suspension or~~ termination of authorization of a vendor,
17 infant formula supplier, or direct distribution center or eligibility of a participant
18 shall be effective beginning on the 15th day after receipt of the notice of ~~suspension~~
19 ~~or~~ termination.

20 2. All forfeitures, recoupments, and enforcement assessments shall be paid to
21 the department within 15 days after receipt of notice of assessment or, if the
22 forfeiture, recoupment, or enforcement assessment is contested under sub. (6),
23 within 10 days after receipt of the final decision after exhaustion of administrative
24 review, unless the final decision is adverse to the department or unless the final
25 decision is appealed and the decision is stayed by court order under sub. (7). The

1 department shall remit all forfeitures paid to the secretary of administration for
2 deposit in the school fund. The department shall deposit all enforcement
3 assessments in the appropriation under s. 20.435 (1) (gr).

4 **SECTION 1931b.** 253.06 (5) (e) 3. of the statutes is created to read:

5 253.06 (5) (e) 3. The summary suspension of authorization of a vendor, infant
6 formula supplier, or direct distribution center shall be effective immediately upon
7 receipt of the notice under par. (d).

8 **SECTION 1932b.** 253.06 (6) (b) of the statutes is amended to read:

9 253.06 (6) (b) A person may contest an assessment of forfeiture, recoupment
10 or enforcement assessment, a denial, ~~suspension~~ or termination of authorization, a
11 civil monetary penalty assessed in lieu of disqualification, a summary suspension,
12 ~~or a suspension or termination of eligibility~~ by sending a written request for hearing
13 under s. 227.44 to the division of hearings and appeals in the department of
14 administration within 10 days after the receipt of the notice issued under sub. (3)
15 (bm) or (5) (d). The administrator of the division of hearings and appeals may
16 designate a hearing examiner to preside over the case and recommend a decision to
17 the administrator under s. 227.46. The decision of the administrator of the division
18 of hearings and appeals shall be the final administrative decision. The division of
19 hearings and appeals shall commence the hearing and issue a final decision within
20 60 days after receipt of the request for hearing unless all of the parties consent to a
21 later date. Proceedings before the division of hearings and appeals are governed by
22 ch. 227. In any petition for judicial review of a decision by the division of hearings
23 and appeals, the department, if not the petitioner who was in the proceeding before
24 the division of hearings and appeals, shall be the named respondent.

25 **SECTION 1933b.** 253.06 (8) of the statutes is amended to read:

1 253.06 (8) INSPECTION OF PREMISES. The department may visit and inspect each
2 authorized vendor and infant formula supplier and each food direct distribution
3 center, and for such purpose shall be given unrestricted access to the premises
4 described in the authorization or contract.

5 **SECTION 1934b.** 253.06 (9) and (10) of the statutes are created to read:

6 253.06 (9) CONFIDENTIALITY OF APPLICANT AND PARTICIPANT INFORMATION. (a) Any
7 information about an applicant or participant, whether it is obtained from the
8 applicant or participant or another source or is generated as a result of application
9 for the Women, Infants, and Children program, that identifies the applicant or
10 participant or a family member of the applicant or participant is confidential.

11 (b) Except as explicitly permitted under this section, the department shall
12 restrict the use and disclosure of confidential applicant and participant information
13 to any person directly connected with the administration or enforcement of the
14 Women, Infants, and Children program that the department determines has a need
15 to know the information for Women, Infants, and Children program purposes.
16 Persons who may be allowed to access confidential information under this paragraph
17 include personnel from the local agencies, persons under contract with the
18 department to perform research regarding the Women, Infants, and Children
19 program, and persons that are investigating or prosecuting Women, Infants, and
20 Children program violations of federal, state, or local law.

21 (c) The department or any local agency may use or disclose to public
22 organizations confidential applicant and participant information for the
23 administration of other programs that serve individuals eligible for the Women,
24 Infants, and Children program in accordance with 7 CFR 246.26 (h).

1 (d) Staff of the department and local agencies who are required by state law to
2 report known or suspected child abuse or neglect may disclose confidential applicant
3 and participant information without the consent of the participant or applicant to
4 the extent necessary to comply with the law.

5 (e) Except in the case of subpoenas or search warrants, the department and
6 local agencies may disclose confidential applicant and participant information to
7 individuals or entities not listed in this section only if the affected applicant or
8 participant signs a release form authorizing the disclosure and specifying the parties
9 to which the information may be disclosed. The department or local agency shall
10 allow applicants and participants to refuse to sign the release form and shall notify
11 the applicant or participant that signing the form is not a condition of eligibility and
12 refusing to sign the form will not affect the applicant's or participant's application
13 or participation in the Women, Infants, and Children program. Release forms
14 authorizing disclosure to private physicians or other health care providers may be
15 included as part of the Women, Infants, and Children program application or
16 certification process. All other requests for applicants or participants to sign
17 voluntary release forms may occur only after the application and certification
18 process is complete.

19 (f) The department or local agency shall provide to an applicant or participant
20 access to all information he or she has provided to the Women, Infants, and Children
21 program. In the case of an applicant or participant who is an infant or child, the
22 access may be provided to a parent or guardian of the infant or child, assuming that
23 any issues regarding custody or guardianship have been settled. The department or
24 local agency is not required to provide the applicant or participant or parent or
25 guardian of an infant or child applicant or participant access to any other

1 information in the file or record, including documentation of income provided by a
2 3rd party and staff assessments of an applicant or participant's condition or
3 behavior, unless required by law or unless the information supports a state or local
4 agency decision being appealed under 7 CFR 246.9.

5 **(10) CONFIDENTIALITY OF VENDOR INFORMATION.** (a) Any information about a
6 vendor, whether it is obtained from the vendor or another source, that individually
7 identifies the vendor except for the vendor's name, address, telephone number,
8 Internet or electronic mail address, store type, and Women, Infants, and Children
9 program authorization status is confidential. The department shall restrict the use
10 or disclosure of confidential vendor information to any of the following:

11 1. Persons directly connected with the administration or enforcement of the
12 Women, Infants, and Children program or the food stamp program under s. 49.79
13 that the department determines has a need to know the information for purposes of
14 these programs. These persons may include personnel from local agencies and
15 persons investigating or prosecuting violations of Women, Infants, and Children
16 program or food stamp program federal, state, or local laws.

17 2. Persons directly connected with the administration or enforcement of any
18 federal or state law or local ordinance. Before releasing information to a state or local
19 entity, the department shall enter into a written agreement with the requesting
20 party specifying that the information may not be used or redisclosed except for
21 purposes directly connected with the administration or enforcement of the federal or
22 state law or local ordinance.

23 3. A vendor that is subject to an adverse action under sub. (5), including a claim,
24 to the extent that the confidential information concerns the vendor that is subject to
25 the adverse action and is related to the adverse action.

1 (b) The department may disclose to all authorized vendors and applicants to
2 be a vendor sanctions that have been imposed on vendors if the disclosure identifies
3 only the vendor's name, address, length of the disqualification or amount of the
4 monetary penalty, and a summary of the reason for the sanction provided in the
5 notice of adverse action under sub. (5). The information under this paragraph may
6 be disclosed only after all administrative and judicial review is exhausted and the
7 department has prevailed regarding the sanction imposed on the vendor or after the
8 time period for requesting administrative and judicial review has expired.”

9 **81.** Page 445, line 17: after that line insert:

10 “**SECTION 1935w.** 253.07 (1) (a) 3. of the statutes is created to read:

11 253.07 (1) (a) 3. Pregnancy termination.

12 **SECTION 1936w.** 253.07 (1) (b) 3. of the statutes is created to read:

13 253.07 (1) (b) 3. Pregnancy termination.

14 **SECTION 1937w.** 253.07 (5) (b) (intro.) of the statutes is renumbered 253.07 (5)

15 (b) and amended to read:

16 253.07 (5) (b) ~~Subject to par. (c), a~~ A public entity that receives women's health
17 funds under this section may provide some or all of the funds to other public or
18 private entities ~~provided that the recipient of the funds does not do any of the~~
19 ~~following.~~

20 **SECTION 1938w.** 253.07 (5) (b) 1. to 3. of the statutes are repealed.

21 **SECTION 1939w.** 253.07 (5) (c) of the statutes is repealed.

22 **SECTION 1940w.** 253.075 of the statutes is repealed.”

23 **82.** Page 446, line 1: delete lines 1 and 2 and substitute:

1 “254.151 (2m) Award grants for residential lead hazard abatement, residential
2 lead hazard reduction, and lead abatement worker training.”

3 **83.** Page 448, line 25: delete the material beginning with that line and ending
4 with page 449, line 2, and substitute:

5 “**SECTION 1950m.** 255.06 (2) (i) of the statutes is amended to read:

6 255.06 (2) (i) *Multiple sclerosis services.* Allocate and expend at least up to
7 \$60,000 as reimbursement for the provision of multiple sclerosis services to women.”

8 **84.** Page 454, line 12: after that line insert:

9 “**SECTION 2093k.** 632.796 of the statutes is created to read:

10 **632.796 Drug cost report.** (1) DEFINITION. In this section, “disability
11 insurance policy” has the meaning given in s. 632.895 (1) (a).

12 (2) REPORT REQUIRED. Annually, at the time the insurer files its rate request
13 with the commissioner, each insurer that offers a disability insurance policy that
14 covers prescription drugs shall submit to the commissioner a report that identifies
15 the 25 prescription drugs that are the highest cost to the insurer and the 25
16 prescription drugs that have the highest cost increases over the 12 months before the
17 submission of the report.

18 **SECTION 2094k.** 632.865 (3) of the statutes is created to read:

19 632.865 (3) REGISTRATION REQUIRED. (a) No person may perform any activities
20 of a pharmacy benefit manager in this state without first registering with the
21 commissioner under this subsection.

22 (b) The commissioner shall establish a registration procedure for pharmacy
23 benefit managers. The commissioner may promulgate any rules necessary to
24 implement the registration procedure under this paragraph.

1 **SECTION 2095k.** 632.866 of the statutes is created to read:

2 **632.866 Prescription drug cost reporting. (1) DEFINITIONS.** In this section:

3 (a) “Brand-name drug” means a prescription drug approved under 21 USC 355

4 (b) or 42 USC 262.

5 (b) “Covered hospital” means an entity described in 42 USC 256b (a) (4) (L) to

6 (N) that participates in the federal drug-pricing program under 42 USC 256b.

7 (c) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

8 (d) “Generic drug” means a prescription drug approved under 21 USC 355 (j).

9 (e) “Manufacturer” has the meaning given in s. 450.01 (12). “Manufacturer”
10 does not include an entity that is engaged only in the dispensing, as defined in s.
11 450.01 (7), of a brand-name drug or a generic drug.

12 (f) “Manufacturer-sponsored assistance program” means a program offered by
13 a manufacturer or an intermediary under contract with a manufacturer through
14 which a brand-name drug or a generic drug is provided to a patient at no charge or
15 at a discount.

16 (g) “Margin” means, for a covered hospital, the difference between the net cost
17 of a brand-name drug or generic drug covered under the federal drug-pricing
18 program under 42 USC 256b and the net payment by the covered hospital for that
19 brand-name drug or generic drug.

20 (h) “Net payment” means the amount paid for a brand-name drug or generic
21 drug after all discounts and rebates have been applied.

22 (i) “Pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

23 (j) “Wholesale acquisition cost” means the most recently reported
24 manufacturer list or catalog price for a brand-name drug or a generic drug available

1 to wholesalers or direct purchasers in the United States, before application of
2 discounts, rebates, or reductions in price.

3 (2) PRICE INCREASE OR INTRODUCTION NOTICE; JUSTIFICATION REPORT. (a) A
4 manufacturer shall notify the commissioner if it is increasing the wholesale
5 acquisition cost of a brand-name drug on the market in this state by more than 10
6 percent or by more than \$10,000 during any 12-month period or if it intends to
7 introduce to market in this state a brand-name drug that has an annual wholesale
8 acquisition cost of \$30,000 or more.

9 (b) A manufacturer shall notify the commissioner if it is increasing the
10 wholesale acquisition cost of a generic drug by more than 25 percent or by more than
11 \$300 during any 12-month period or if it intends to introduce to market a generic
12 drug that has an annual wholesale acquisition cost of \$3,000 or more.

13 (c) The manufacturer shall provide the notice under par. (a) or (b) in writing
14 at least 30 days before the planned effective date of the cost increase or drug
15 introduction with a justification that includes all documents and research related to
16 the manufacturer's selection of the cost increase or introduction price and a
17 description of life cycle management, market competition and context, and
18 estimated value or cost-effectiveness of the product.

19 (3) NET PRICES PAID BY PHARMACY BENEFIT MANAGERS. By March 1 annually, the
20 manufacturer shall report to the commissioner the value of price concessions,
21 expressed as a percentage of the wholesale acquisition cost, provided to each
22 pharmacy benefit manager for each drug sold in this state.

23 (4) REBATES AND PRICE CONCESSIONS. By March 1 annually, each pharmacy
24 benefit manager shall report to the commissioner the amount received from
25 manufacturers as drug rebates and the value of price concessions, expressed as a

1 percentage of the wholesale acquisition cost, provided by manufacturers for each
2 drug.

3 (5) HOSPITAL MARGIN SPENDING. By March 1 annually, each covered hospital
4 operating in this state shall report to the commissioner the per unit margin for each
5 drug covered under the federal drug pricing program under 42 USC 256b dispensed
6 in the previous year multiplied by the number of units dispensed at that margin and
7 how the margin revenue was used.

8 (6) MANUFACTURER-SPONSORED ASSISTANCE PROGRAMS. By March 1 annually,
9 each manufacturer shall provide the commissioner with a description of each
10 manufacturer-sponsored patient assistance program in effect during the previous
11 year that includes all of the following:

12 (a) The terms of the programs.

13 (b) The number of prescriptions provided to state residents under the program.

14 (c) The total market value of assistance provided to residents of this state under
15 the program.

16 (7) CERTIFICATION AND PENALTIES FOR NONCOMPLIANCE. Each manufacturer and
17 covered hospital that is required to report under this section shall certify each report
18 as accurate under the penalty of perjury. A manufacturer or covered hospital that
19 fails to submit a report required under this section is subject to a forfeiture of no more
20 than \$10,000 each day the report is overdue.

21 (8) HEARING AND PUBLIC REPORTING. (a) The commissioner shall publicly post
22 manufacturer price justification documents and covered hospital documentation of
23 how each hospital spends the margin revenue. The commissioner shall keep any
24 trade secret or proprietary information confidential.

1 (b) The commissioner shall analyze data collected under this section and
2 publish annually a report on emerging trends in prescription prices and price
3 increases, and shall annually conduct a public hearing based on the analysis under
4 this paragraph. The report under this paragraph shall include analysis of
5 manufacturer prices and price increases, analysis of hospital-specific margins and
6 how that revenue is spent or allocated on a hospital-specific basis, and analysis of
7 how pharmacy benefit manager discounts and net costs compare to retail prices paid
8 by patients.

9 (9) ALLOWING COST DISCLOSURE TO INSURED. The commissioner shall ensure that
10 every disability insurance policy that covers prescription drugs or biological products
11 does not restrict a pharmacy or pharmacist that dispenses a prescription drug or
12 biological product from informing and does not penalize a pharmacy or pharmacist
13 for informing an insured under a policy of a difference between the negotiated price
14 of, or copayment or coinsurance for, the drug or biological product under the policy
15 and the price the insured would pay for the drug or biological product if the insured
16 obtained the drug or biological product without using any health insurance
17 coverage.”.

18 **85.** Page 460, line 2: after that line insert:

19 “SECTION 2264g. 2017 Wisconsin Act 370, Section 44 (2) and (3) are repealed.”.

20 **86.** Page 460, line 22: after that line insert:

21 “(4f) PSYCHIATRIC CARE TECHNICIANS; PAY INCREASES.

22 (a) In this subsection:

23 1. “Psychiatric care technician” means an individual classified as a psychiatric
24 care technician who is employed by the state and whose principal duties are

1 performing individual treatment programming and maintaining internal security
2 among individuals who are committed to any of the following:

- 3 a. The secure mental health facility established under s. 46.055.
- 4 b. The Wisconsin Resource Center established under s. 46.056.
- 5 c. The Mendota Juvenile Treatment Center established under s. 46.057.
- 6 d. The Winnebago Mental Health Institute.

7 2. "Psychiatric care technician-advanced" means an individual classified as a
8 psychiatric care technician-advanced who is employed by the state and whose
9 principal duties are performing individual treatment programming and
10 maintaining internal security among individuals who are committed to any of the
11 following:

- 12 a. The secure mental health facility established under s. 46.055.
- 13 b. The Wisconsin Resource Center established under s. 46.056.
- 14 c. The Mendota Juvenile Treatment Center established under s. 46.057.
- 15 d. The Winnebago Mental Health Institute.

16 (b) The administrator of the division of personnel management in the
17 department of administration shall specify in the compensation plan under s. 230.12
18 for the 2019-21 biennium that the minimum starting wage for psychiatric care
19 technicians is \$19 per hour.

20 (c) The administrator of the division of personnel management in the
21 department of administration shall specify in the compensation plan under s. 230.12
22 for the 2019-21 biennium that the minimum starting wage for psychiatric care
23 technicians-advanced is \$19.91 per hour.

24 (d) The administrator of the division of personnel management shall specify in
25 the compensation plan under s. 230.12 for the 2019-21 biennium that the wage for

1 current psychiatric care technicians is increased by \$2.35 per hour, and the wage for
2 current psychiatric care technicians-advanced is increased by \$2.46 per hour.

3 (e) If, on the effective date of this paragraph, the compensation plan under s.
4 230.12 has been adopted for the 2019-21 biennium and the compensation plan does
5 not include the minimum hourly pay required under pars. (b) to (d), by no later than
6 30 days after the effective date of this paragraph, the administrator of the division
7 of personnel management in the department of administration shall propose an
8 amendment under s. 230.12 (3) (c) to include the minimum hourly pay required
9 under pars. (b) to (d) in the compensation plan for the 2019-21 biennium.

10 (5f) CORRECTIONAL OFFICERS AND YOUTH COUNSELORS; PAY INCREASES.

11 (a) In this section:

12 1. "Correctional officer" means an individual classified as a correctional officer
13 who is employed by the state and whose principal duty is any of the following:

14 a. The supervision of inmates at a prison, as defined in s. 302.01.

15 b. The supervision of persons committed under s. 980.06 at the secure mental
16 health facility established under s. 46.055 or the Wisconsin resource center
17 established under s. 46.056.

18 2. "Correctional sergeant" means an individual classified as a correctional
19 sergeant who is employed by the state and whose principal duty is any of the
20 following:

21 a. The supervision of inmates at a prison, as defined in s. 302.01.

22 b. The supervision of persons committed under s. 980.06 at the secure mental
23 health facility established under s. 46.055 or the Wisconsin resource center
24 established under s. 46.056.

1 3. "Youth counselor" means an individual classified as a youth counselor who
2 is employed by the state and whose principal duty is the supervision of juveniles held
3 in a juvenile correctional facility, as defined in s. 938.02 (10p).

4 4. "Youth counselor-advanced" means an individual classified as a youth
5 counselor-advanced who is employed by the state and whose principal duty is the
6 supervision of juveniles held in a juvenile correctional facility, as defined in s. 938.02
7 (10p).

8 (b) The administrator of the division of personnel management in the
9 department of administration shall specify in the compensation plan under s. 230.12
10 for the 2019-21 biennium that the minimum wage for correctional officers and youth
11 counselors is \$19 per hour.

12 (c) The administrator of the division of personnel management in the
13 department of administration shall specify in the compensation plan under s. 230.12
14 for the 2019-21 biennium that the minimum wage for correctional sergeants and
15 youth counselors-advanced is \$19.91 per hour.

16 (d) The administrator of the division of personnel management shall specify in
17 the compensation plan under s. 230.12 for the 2019-21 biennium that the wage for
18 current correctional officers and youth counselors is increased by \$2.35 per hour, and
19 the wage for current correctional sergeants and youth counselors-advanced is
20 increased by \$2.46 per hour.

21 (e) If, on the effective date of this paragraph, the compensation plan under s.
22 230.12 has been adopted for the 2019-21 biennium and the compensation plan does
23 not include the minimum hourly pay required under pars. (b) to (d), by no later than
24 30 days after the effective date of this paragraph, the administrator of the division
25 of personnel management in the department of administration shall propose an

1 amendment under s. 230.12 (3) (c) to include the minimum hourly pay required
2 under pars. (b) to (d) in the compensation plan for the 2019-21 biennium.

3 (6f) CORRECTIONAL OFFICERS AND CORRECTIONAL SERGEANTS AND YOUTH
4 COUNSELORS AND YOUTH COUNSELORS-ADVANCED AND PSYCHIATRIC CARE TECHNICIANS;
5 WAGE INCREASES. The amounts of the estimated expenditures in the compensation
6 reserves general purpose revenue shown in the schedule under s. 20.005 (1) are
7 increased by \$8,000,000 in fiscal year 2019-20 and by \$8,000,000 in fiscal year
8 2020-21.”.

9 **87.** Page 488, line 8: after that line insert:

10 “(1t) PRESCRIPTION DRUG POOLING STUDY. The department of employee trust
11 funds, in consultation with the department of corrections, the department of health
12 services, and the department of veterans affairs, shall study the options and
13 opportunities for cost savings to state agencies through prescription drug pooling.
14 No later than January 1, 2020, the department of employee trust funds shall submit
15 a report of the study to the governor and the appropriate standing committees of the
16 legislature, as determined by the speaker of the assembly and the president of the
17 senate, in the manner provided under s. 13.172 (3).”

18 **88.** Page 488, line 16: after that line insert:

19 “(1s) FORENSIC UNIT EXPANSION AT SAND RIDGE SECURE TREATMENT CENTER. From
20 the appropriation under s. 20.435 (2) (bm), the department shall allocate \$3,430,900
21 in fiscal year 2020-21 and create 36.50 FTE GPR positions to operate a 20-bed unit
22 for forensic patients at the Sand Ridge Secure Treatment Center.”.

23 (1t) YOUTH CRISIS STABILIZATION FACILITIES AND PEER-RUN RESPITE CENTERS FOR
24 VETERANS. The department of health services shall award in each fiscal year \$996,400

1 in grants to youth crisis stabilization facilities and \$450,000 in grants to a peer-run
2 respite center for veterans.”.

3 **89.** Page 488, line 17: delete the material beginning with that line and ending
4 with page 489, line 3, and substitute:

5 “(2b) MEDICAL ASSISTANCE REIMBURSEMENT FOR SERVICES PROVIDED THROUGH
6 TELEHEALTH. The department of health services shall develop, by rule, a method of
7 reimbursing providers under the Medical Assistance program for a service that is
8 covered by the Medical Assistance program under subch. IV of ch. 49 and that
9 satisfies any of the following:

10 (a) The service is a consultation between a provider at an originating site and
11 a provider at a remote location using a combination of interactive video, audio, and
12 externally acquired images through a networking environment.

13 (b) The service is an asynchronous transmission of digital clinical information
14 through a secure electronic system from a Medical Assistance recipient or provider
15 to a provider.”.

16 **90.** Page 489, line 3: after that line insert:

17 “(2g) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER. The
18 department of health services may submit a request to the federal department of
19 health and human services to modify or withdraw the waiver granted under s. 49.45
20 (23) (g), 2017 stats.

21 (3g) ACADEMIC DETAILING TRAINING PROGRAM.

22 (c) In this subsection, “academic detailing” means a teaching model under
23 which health care experts are taught techniques for engaging in interactional
24 educational outreach to other health care providers and clinical staff to provide

1 information on evidence-based practices and successful therapeutic interventions
2 with the goal of improving patient care.

3 (d) The department of health services shall establish and implement a 2-year
4 academic detailing primary care clinic dementia training program in 10 primary
5 care clinics in the state through a contract with the Wisconsin Alzheimer's Institute.

6 (e) The department shall, as part of the training program, provide primary care
7 providers with clinical training and access to educational resources on best practices
8 for diagnosis and management of common cognitive disorders, and referral
9 strategies to dementia specialists for complicated or rare cognitive or behavioral
10 disorders.

11 (f) The department shall ensure that the training program under this
12 subsection includes at least the following three components:

13 1. The most current research on effective clinical treatments and practices is
14 systematically evaluated by the academic detailing team.

15 2. Information gathered and evaluated under subd. 1. is packaged into an
16 easily accessible format that is clinically relevant, rigorously sourced, and
17 compellingly formatted.

18 3. Training is provided for clinicians to serve as academic detailers that equips
19 them with clinical expertise and proficiency in conducting an interactive educational
20 exchange to facilitate individualized learning among participating primary care
21 practitioners in the target clinics.”.

22 **91.** Page 489, line 14: after that line insert:

23 “(4c) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
24 services shall submit any necessary request to the federal department of health and

1 human services for a state plan amendment or waiver of federal Medicaid law or to
2 modify or withdraw from any waiver of federal Medicaid law relating to the childless
3 adults demonstration project under s. 49.45 (23), 2017 stats., to reflect the
4 incorporation of recipients of Medical Assistance under the demonstration project
5 into the BadgerCare Plus program under s. 49.471 and the termination of the
6 demonstration project.”.

7 **92.** Page 489, line 15: delete lines 15 to 20 and substitute:

8 “(6b) EVIDENCE-BASED ORAL HEALTH GRANTS AND SEAL-A-SMILE PROGRAM.
9 Notwithstanding s. 250.10 (1m) (b), in fiscal year 2019-20, the department of health
10 services shall, from the appropriation under s. 20.435 (1) (de), award to qualified
11 applicants grants totaling \$50,000 for fluoride varnish and other evidence-based
12 oral health activities, \$525,000 for school-based preventive dental services, and
13 \$100,000 for school-based restorative dental services.”.

14 **93.** Page 489, line 20: after that line insert:

15 “(6d) PRESCRIPTION DRUG IMPORTATION PROGRAM. The department of health
16 services shall submit the first report required under s. 250.048 (5) by the next
17 January 1 or July 1, whichever is earliest, that is at least 180 days after the date the
18 prescription drug importation program is fully operational under s. 250.048 (4). The
19 department of health services shall include in the first 3 reports submitted under s.
20 250.048 (5) information on the implementation of the audit functions under s.
21 250.048 (1) (n).”.

22 **94.** Page 490, line 5: after that line insert:

23 “(8m) COMMUNITY-BASED DOULAS. From the appropriation under s. 20.435 (4)
24 (bm), the department of health services shall in fiscal year 2019-20 allocate \$192,000

1 to public or private entities, American Indian tribes or tribal organizations, or
2 community-based organizations for grants for community-based doulas. The
3 recipients of the grants shall use the moneys to identify and train local community
4 workers to mentor pregnant women.”.

5 **95.** Page 490, line 6: delete lines 6 to 11 and substitute:

6 “(9b) DENTAL SERVICES UNDER MEDICAL ASSISTANCE. During the 2019-21 fiscal
7 biennium, the department of health services shall allocate a total of \$2,000,000 in the
8 2019-20 fiscal year and \$3,000,000 in the 2020-21 fiscal year from all funding
9 sources to increase reimbursement rates for dental services that are covered under
10 the Medical Assistance program under subch. IV of ch. 49 and that are provided to
11 recipients of Medical Assistance who have disabilities.”.

12 **96.** Page 490, line 12: delete lines 12 to 16 and substitute:

13 “(10c) INFANT MORTALITY PREVENTION PROGRAM. The department of health
14 services shall allocate 5.0 FTE positions that are authorized for the department of
15 health services to staff an infant mortality prevention program. The department of
16 health services shall report in its 2021-23 budget request any necessary budget
17 adjustments to reflect this allocation of positions.”.

18 **97.** Page 491, line 3: delete lines 3 to 15.

19 **98.** Page 491, line 20: delete the material beginning with “facilities;” and
20 ending with “2020-21” on line 23 and substitute “facilities and an additional 1.5
21 percent annual rate increase”.

22 **99.** Page 492, line 1: delete lines 1 to 7 and substitute:

23 “(12b) MEDICAL ASSISTANCE REIMBURSEMENT RATE INCREASE FOR DIRECT CARE IN
24 PERSONAL CARE AGENCIES. The department of health services shall increase the

1 Medical Assistance rates paid for direct care to agencies that provide personal care
2 services 1.5 percent annually to support staff in those agencies who perform direct
3 care.”.

4 **100.** Page 492, line 7: after that line insert:

5 “(13t) LEAD EXPOSURE AND POISONING PREVENTION STAFF. The authorized FTE
6 positions for the department of health services are increased by 1.0 GPR project
7 position for the period ending June 30, 2021, and 1.14 GPR positions beginning on
8 July 1, 2019, to be funded from the appropriation under s. 20.435 (1) (a), for the
9 purpose of administering the department’s lead public health outreach initiative and
10 for enhancing the department’s lead poisoning prevention programs.”.

11 **101.** Page 492, line 18: after that line insert:

12 “(1k) PRESCRIPTION DRUG COST SURVEY. The commissioner of insurance shall
13 conduct a statistically-valid survey of pharmacies in this state regarding whether
14 the pharmacy agreed to not disclose that customer drug benefit cost sharing exceeds
15 the cost of the dispensed drug.

16 (2k) PRESCRIPTION DRUG COST REPORTING POSITIONS. The authorized FTE
17 positions for the office of the commissioner of insurance are increased by 2.0 PR
18 positions, to be funded from the appropriation under s. 20.145 (1) (g), for the purpose
19 of administering prescription drug cost reporting and registration of pharmacy
20 benefit managers under ss. 632.796, 632.865 (3), and 632.866.”.

21 **102.** Page 501, line 11: delete lines 11 to 20.

22 **103.** Page 507, line 21: after that line insert:

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0573/P2ins
TJD:...

1 INSERT 10-16

2 1. Page 304, line 18: after that line insert:

3 "SECTION ~~485~~⁴⁸⁷ w. 46.995 (4) of the statutes is created to read:

4 46.995 (4) The department shall ensure that any child who is eligible and who
5 applies for the disabled children's long-term support program that is operating
6 under a waiver of federal law receives services under the disabled children's
7 long-term support program that is operating under a waiver of federal law."

8 END INSERT 10-16

Barman, Mike

From: Barman, Mike
Sent: Monday, June 24, 2019 4:11 PM
To: Dodge, Tamara; Walkenhorst Barber, Sarah
Subject: Re-draft request ... LRBb0573/P2

Importance: High

From: Groshek, Dave <Dave.Groshek@legis.wisconsin.gov>
Sent: Monday, June 24, 2019 4:10 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB b0573/P2

Please jacket LRB b0573/p2 for introduction for Rep. Hintz. This one is a rush job. Thanks so much.

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, June 24, 2019 3:42 PM
To: Rep.Hintz <Rep.Hintz@legis.wisconsin.gov>
Subject: Draft review: LRB b0573/P2

Following is the PDF version of draft LRB b0573/P2.



State of Wisconsin
2019 - 2020 LEGISLATURE

①

LRBb0573/P2
TD/SB/KP/MM:all

No
change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 56

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

2 **1.** Page 36, line 5: increase the dollar amount for fiscal year 2019-20 by
3 \$127,900 and increase the dollar amount for fiscal year 2020-21 by \$127,900 for the
4 purpose of funding 1.07 FTE positions to administer the Wisconsin healthcare
5 stability plan.

6 **2.** Page 36, line 5: increase the dollar amount for fiscal year 2019-20 by
7 \$541,300 and increase the dollar amount for fiscal year 2020-21 by \$541,300 for the
8 purpose of funding 5.10 FTE positions to provide health insurance education and
9 outreach activities, including assisting individuals with enrolling in the health
10 insurance exchange.

