


2019 DRAFTING REQUEST

Bill

For: Legislative Fiscal Bureau Drafter: mduchek
 By: Aaron Whitaker Secondary Drafters:
 Date: 4/1/2020 May Contact:

Same as LRB:

Submit via email: YES 
 Requester's email: Aaron.Whitaker@legis.wisconsin.gov
 Carbon copy (CC) to: Becky.hannah@legis.wisconsin.gov
Charlie.morgan@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Rx refills - Pg. 26, DSPTS, Item 4

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 4/1/2020				
/1		ccarmich 4/1/2020	mbarman 4/1/2020		

FE Sent For:

<END>

Barman, Mike

From: Hanaman, Cathlene
Sent: Wednesday, April 01, 2020 11:20 AM
To: Champagne, Rick; Lunder, Erika; Wheeler, Elizabeth; Knepp, Fern; Gallagher, Michael; Dodge, Tamara; Walkenhorst Barber, Sarah; Paczuski, Konrad; McGreevy, Mary Alice; Shovers, Marc; Pleviak, Krista; Gary, Aaron; Kreye, Joseph; Pfothenauer, Mary; Duchek, Michael; Shea, Elisabeth; Wyatt, Zachary; Johns, Melinda
Cc: Jackson, Wendy
Subject: RE: More LFB Requests

Please, in addition to anything else you put in the topic line, include the language below ("Pg. 5, DOA, item 6" for instance).

You may have to make an educated guess as to the analyst. I can fix later.

Using the LFB Summary of the Governor's bill, please draft the following items for the LFB:

http://docs.legis.wisconsin.gov/misc/lfb/misc/109_summary_of_provisions_of_lrb_5904_1_and_lrb_5920_p2_3_24_20.pdf

Pg. 5, DOA, Item 6
Pg. 6, DOA, Item 9

Pg. 6 BLDG COMM, Item 1 (RAC)

Pg. 11, ETF, Item 1
Pg. 12, ETF, Item 2

Pg. 13, GEN PROV, Item 2

Pg. 16, HEALTH, Item 4

Pg. 18, INS, Item 2
Pg. 19, INS, Item 5
Pg. 19, INS, Item 6

Pg. 22, DPI, Item 3

Pg. 24, DSPS, Item 2
Pg. 25, DSPS, Item 3
Pg. 26, DSPS, Item 4

Pg. 28, DWD, Item 1, but only for calendar year 2020
Pg. 29, DWD, Item 2

Cathlene can coordinate and make sure drafts are accounted for.

Rick



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6075/1
MED:cdc

2019 BILL

1 AN ACT *to amend* 450.11 (5) (a); and *to create* 450.11 (5) (br) of the statutes;
2 relating to: prescription order extensions.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Prescription order extensions

Current law allows a pharmacist to extend a prescription order under certain circumstances in the event that the prescription cannot otherwise be refilled, subject to certain criteria and limitations.

This bill creates an alternative authorization for a pharmacist to extend a prescription during the period covered by a public health emergency declared by the governor. Under the bill, during that period, the prescribing practitioner is exempt from having to contact the prescribing practitioner or his or her office, and certain other requirements also do not apply. However, the pharmacist may not extend a prescription if the prescribing practitioner has indicated that no extensions are permitted. The pharmacist may extend the prescription by up to a 30-day supply, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 30-day supply, the pharmacist may extend the prescription order as necessary to dispense the drug in the smallest

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quantity in which it is typically packaged. The bill allows only one extension of a prescription by a pharmacist during a public health emergency period.

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

1 **SECTION 1.** 450.11 (5) (a) of the statutes is amended to read:

2 450.11 (5) (a) Except as provided in ~~par. pars.~~ (bm) and (br), no prescription may
3 be refilled unless the requirements of sub. (1) and, if applicable, sub. (1m) have been
4 met and written, oral, or electronic authorization has been given by the prescribing
5 practitioner. Unless the prescribing practitioner has specified in the prescription
6 order that dispensing a prescribed drug in an initial amount followed by periodic
7 refills as specified in the prescription order is medically necessary, a pharmacist may
8 exercise his or her professional judgment to dispense varying quantities of the
9 prescribed drug per fill up to the total number of dosage units authorized by the
10 prescribing practitioner in the prescription order including any refills, subject to par.
11 (b).

12 **SECTION 2.** 450.11 (5) (br) of the statutes is created to read:

13 450.11 (5) (br) 1. In the event a pharmacist receives a request for a prescription
14 to be refilled and the prescription cannot be refilled as provided in par. (a), the
15 pharmacist may, subject to subd. 2. a. to e., extend the existing prescription order and
16 dispense the drug to the patient, if the pharmacist has not received and is not aware
17 of written or oral instructions from the prescribing practitioner prohibiting further
18 dispensing pursuant to or extension of the prescription order.

19 2. a. A prescribing practitioner may indicate, by writing on the face of the
20 prescription order or, with respect to a prescription order transmitted electronically,
21 by designating in electronic format the phrase "No extensions," or words of similar

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1 meaning, that no extension of the prescription order may be made under subd. 1. If
2 such indication is made, the pharmacist may not extend the prescription order under
3 subd. 1.

4 b. A pharmacist acting under subd. 1. may not extend a prescription order to
5 dispense more than a 30-day supply of the prescribed drug, except that if the drug
6 is typically packaged in a form that requires a pharmacist to dispense the drug in a
7 quantity greater than a 30-day supply, the pharmacist may extend the prescription
8 order as necessary to dispense the drug in the smallest quantity in which it is
9 typically packaged.

10 c. A pharmacist may not extend a prescription order under subd. 1. for a drug
11 that is a controlled substance.

12 d. A pharmacist may not extend a prescription order under subd. 1. for a
13 particular patient if a prescription order was previously extended under subd. 1. for
14 that patient during the period described in subd. 3.

15 e. A pharmacist shall, at the earliest reasonable time after acting under subd.
16 1., notify the prescribing practitioner or his or her office, but is not required to
17 attempt to procure a new prescription order or refill authorization for the drug by
18 contacting the prescribing practitioner or his or her office prior to acting under subd.
19 1. After acting under subd. 1., the pharmacist may notify the patient or other
20 individual that any further refills will require the authorization of a prescribing
21 practitioner.

22 3. This paragraph applies only during the period covered by a public health
23 emergency declared by the governor under s. 323.10, including any extension.
24 During that time, this paragraph supersedes par. (bm) to the extent of any conflict.

25 (END)

Barman, Mike

From: Bentzen, Alexandra
Sent: Saturday, April 11, 2020 12:44 PM
To: Duchek, Michael; Morgan, Charlie
Subject: RE: LRB 6075/P1

Hi Michael,

We just heard back from Heather in Rep. Vos' office, 6075 should apply only to the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, and continuing for 30 days after the end of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Thanks!
Alex

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Saturday, April 11, 2020 12:24 PM
To: Morgan, Charlie <Charlie.Morgan@legis.wisconsin.gov>; Bentzen, Alexandra <Alexandra.Bentzen@legis.wisconsin.gov>
Subject: Re: LRB 6075/P1

I hope so!

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From: Bentzen, Alexandra <Alexandra.Bentzen@legis.wisconsin.gov>
Sent: Saturday, April 11, 2020 12:18:13 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Morgan, Charlie <Charlie.Morgan@legis.wisconsin.gov>
Subject: RE: LRB 6075/P1

Hi Michael,

That's fine with us as long as they referring to 6075. Are you able to get clarification on that?

Thanks!
Alex

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Saturday, April 11, 2020 12:16 PM
To: Bentzen, Alexandra <Alexandra.Bentzen@legis.wisconsin.gov>; Morgan, Charlie <Charlie.Morgan@legis.wisconsin.gov>
Subject: RE: LRB 6075/P1

Yes. However, we are getting instructions on something on prescription extensions to extend it for 30 days after the end of the current PHE, and not sure if this this one is what they are referring to or -6057.

From: Bentzen, Alexandra <Alexandra.Bentzen@legis.wisconsin.gov>
Sent: Saturday, April 11, 2020 12:11 PM
To: Morgan, Charlie <Charlie.Morgan@legis.wisconsin.gov>
Cc: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: LRB 6075/P1

Hi Charlie,

I think LRB 6075/P1 on the prescription extensions applies to any public emergency declared by the Governor, not just this one. Based on Heather's email, should that be changed?

Michael- do you agree with my interpretation that the current draft is not limited to the current emergency?

Thanks!

Alexandra Bentzen, Fiscal Analyst
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