

2019 DRAFTING REQUEST

Bill

For: Legislative Fiscal Bureau Drafter: swalkenh
By: Jon Secondary Drafters:
Date: 4/3/2020 May Contact:

Same as LRB:

Submit via email: YES
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Pre Topic:

No specific pre topic given

Topic:

Adding vaccinations coverage to SeniorCare

Instructions:

Add coverage of vaccinations through the SeniorCare program
4/10/2020: /p2--Per LFB, The final bill will use 6119/P1 as the base, but just add a provision that SeniorCare only pays vaccination after any other payers. That may already be the case, but they wanted that added. If there is language somewhere in Chapter 49 that establishes this policy for medical assistance, then you could add that here, or apply it by reference.

Update 4/11/20 per Heather

- On the seniorcare vaccination coverage. DHS is saying that vaccines are not covered by the fed rebate program and they would prefer we remove the language about rebates so that it does not suggest we expect them to create a rebate program for vaccines for seniorcare. (SWB)

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. Row 1: /P1, swalkenh 4/10/2020, swinder 4/3/2020, wjackson 4/3/2020, State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	tdodge 4/11/2020	kfollett 4/10/2020	lparisi 4/10/2020		State
/P3		anienaja 4/11/2020	wjackson 4/11/2020		State

FE Sent For:

<END>



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6119/P1
SWB:ahe&skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 49.688 (1) (c); and *to create* 49.688 (1) (c) 2.
2 and 49.688 (10m) of the statutes; **relating to:** coverage of vaccinations through
3 the SeniorCare program.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Coverage of vaccinations under SeniorCare

This bill requires the Department of Health Services to include coverage of vaccinations through the SeniorCare program. Under current law, DHS administers the SeniorCare program, which provides assistance to the elderly in the purchase of prescription drugs. The program is operated under a waiver of federal Medicaid laws, but DHS is required to implement the program regardless of whether the waiver is received from the federal Department of Health and Human Services. This bill incorporates coverage through the SeniorCare program of those vaccinations recommended for administration to adults by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices and approved by DHS. The bill requires DHS to provide payments to health care providers that administer the vaccinations and submit claims for payment in the manner required. The bill also requires DHS, or an entity with which DHS contracts, to seek to enter into rebate agreements with manufacturers who sell vaccines for use in this state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 49.688 (1) (c) of the statutes is renumbered 49.688 (1) (c) (intro.) and
2 amended to read:

3 49.688 (1) (c) (intro.) “Prescription drug” means ~~a~~ any of the following:

4 1. A prescription drug, as defined in s. 450.01 (20), that is included in the drugs
5 specified under s. 49.46 (2) (b) 6. h. and that is manufactured by a drug manufacturer
6 that enters into a rebate agreement in force under sub. (6).

7 **SECTION 2.** 49.688 (1) (c) 2. of the statutes is created to read:

8 49.688 (1) (c) 2. A vaccination recommended for administration to adults by the
9 federal centers for disease control and prevention’s advisory committee on
10 immunization practices and approved for administration to adults by the
11 department.

12 **SECTION 3.** 49.688 (10m) of the statutes is created to read:

13 49.688 (10m) (a) Notwithstanding subs. (6) and (7) (a), from the appropriation
14 accounts under s. 20.435 (4) (bv), (j), and (pg), except as provided under sub. (7) (b),
15 the department shall, under a schedule that is identical to that used by the
16 department for payment of claims under the Medical Assistance program, provide
17 to health care providers who administer vaccinations, including pharmacies and
18 pharmacists, payments for vaccinations, as described under sub. (1) (c) 2., that are
19 administered by health care providers to persons eligible under sub. (2) who have
20 paid the deductible specified under sub. (3) (b) 1. or 2., or who, under sub. (3) (b) 1.,
21 are not required to pay a deductible. The reimbursement to a health care provider

1 for each vaccination under this subsection shall be at the rate of payment made for
2 the identical vaccination under s. 49.46 (2) (b), plus a dispensing fee that is equal to
3 the dispensing fee permitted to be charged for vaccinations for which coverage is
4 provided under s. 49.46 (2) (b). The department shall devise and distribute a claim
5 form for use by health care providers under this subsection and may limit payment
6 under this subsection to those vaccinations for which payment claims are submitted
7 by health care providers directly to the department. The department may apply to
8 the program under this subsection the same utilization and cost control procedures
9 that apply under rules promulgated by the department to medical assistance under
10 subch. IV of ch. 49.

11 (b) The department, or an entity with which the department contracts, shall
12 seek to enter into rebate agreements with manufacturers who sell vaccines for use
13 in this state modeled, to the extent possible, on agreements required under sub. (6).
14 To the extent rebate agreements are in place for vaccines under this subsection, the
15 manufacturer shall make rebate payments for each vaccine that is purchased by
16 persons who meet criteria under sub. (2) (a) and persons who meet criteria under sub.
17 (2) (b) and have paid the deductible under sub. (3) (b) 2. a., to the secretary of
18 administration to be credited to the appropriation account under s. 20.435 (4) (j),
19 each calendar quarter or according to a schedule established by the department.

20 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6119/P2
SWB:ahe/skw/kjf

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20 (c) The department may provide payment for a vaccination under this
21 subsection only after deducting the amount of any payment for the vaccination
22 available from other sources.

23 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6119/P3
SWB&TJD:all

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14 (END)