

RULEMAKING REPORT TO LEGISLATURE

CLEARINGHOUSE RULE 22-046

Report From Agency

Ch. DHS 109, relating to SeniorCare prescription drugs

Basis and Purpose of Proposed Rule

In 2019 Wisconsin Act 185, the Wisconsin Legislature expanded the definition of a "prescription drug" covered under the SeniorCare program to include designated vaccinations. Current rules exclude vaccinations from the prescription drug definition. Expansion of rules to provide for adequate regulation of SeniorCare covered vaccination is needed, including coverage scope, reimbursement and deductible guideline establishment and record maintenance.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepted the recommendations made by the Legislative Council Rules Clearinghouse and has modified the proposed rules where suggested.

Final Regulatory Flexibility Analysis

The issues raised by each small business during the public hearing(s).

No issues were raised by any small businesses during the public hearing.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

No changes in the rule were made because no issues were raised by small businesses during the public hearing and comment period.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

Not applicable - no issues were raised by small businesses during the public hearing and comment period.

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

The proposed rules are not anticipated to have an economic or fiscal impact.

The reason for including or not including in the proposed rule any of the following methods for reducing the rule's impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule's impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

There was no economic or fiscal impact.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

Analysis

Based on comments received from the Rules Clearinghouse, the department updated the statutory authority section of the rule's analysis to identify each statute the agency was interpreting. Additionally, the department's "statutory authority" and "explanation of agency authority" sections in the rule's analysis were reorganized based on comments received from the Rules Clearinghouse.

Fiscal Estimate/Economic Impact Analysis

The department solicited the input of SeniorCare providers, including small businesses, as required by state and federal law. Additionally, the department solicited comments on the economic impact of the proposed rule changes from all parties interested in providing comments by publishing a solicitation for public comment in the Administrative Register and on the department's website. The proposed rules are not anticipated to have an economic or fiscal impact.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and through the Department's Administrative Rules Website on August 19, 2022. A public hearing was

held on September 19, 2022, in a virtual conference call. Public comments on the proposed rule were accepted until September 19, 2022.

List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.

Registrant	Position Taken (Support or Opposed)
None	

Summary of Public Comments to the Proposed Rule and the Agency's response to those comments, and an explanation of any modification made in the proposed rule as a result of public comments or testimony received at the Public Hearing.

Rule Provision	Public Comment	Department Response
None		

Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

Documents/Information	Included in Report	Attached	Not Applicable
Final proposed rule -- Rule Summary and Rule Text		X	
Department response to Rules Clearinghouse recommendations	X		
Final Regulatory Flexibility Analysis	X		
Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis			X
Public Hearing Summary	X		
List of Public Hearing Attendees and Commenters	X		
Summary of Public Comments and Department Responses	X		
Fiscal Estimate/Economic Impact Analysis		X	
Revised Fiscal Estimate/Economic Impact Analysis			X
Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response			X
Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing			X
DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more			X
Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule			X