

State of Wisconsin



2011 Senate Bill 487

Date of enactment: April 2, 2012
Date of publication*: April 16, 2012

2011 WISCONSIN ACT 189

AN ACT *to repeal* 49.475 (1) (ag) and 49.475 (1) (am); *to amend* 49.475 (title), 49.475 (1) (c) (intro.), 49.475 (1) (c) 2., 49.475 (1) (d), 49.475 (1) (f) (intro.), 49.475 (1) (f) 2. and 49.475 (1) (f) 3.; and *to create* 49.475 (1) (f) 5., 49.475 (1) (f) 6., 49.475 (1) (f) 7. and 49.475 (2m) of the statutes; **relating to:** the provision of information regarding health care benefits provided to certain assistance program recipients.

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

SECTION 1. 49.475 (title) of the statutes is amended to read:

49.475 (title) Information about medical assistance program beneficiaries.

SECTION 2. 49.475 (1) (ag) of the statutes is repealed.

SECTION 3. 49.475 (1) (am) of the statutes is repealed.

SECTION 4. 49.475 (1) (c) (intro.) of the statutes is amended to read:

49.475 (1) (c) (intro.) “Pharmacy benefits management” means the procurement of prescription drugs at a negotiated rate for dispensation in this state to covered individuals; the administration or management of prescription drug benefits provided by a covered entity for the benefit of covered individuals; or an insurer or other 3rd party, including the performance of any of the following services provided in the administration of pharmacy benefits:

SECTION 5. 49.475 (1) (c) 2. of the statutes is amended to read:

49.475 (1) (c) 2. Claims processing, retail network management, and or payment of claims to pharmacies for prescription drugs dispensed to covered individuals.

SECTION 6. 49.475 (1) (d) of the statutes is amended to read:

49.475 (1) (d) “Pharmacy benefits manager” means a person an entity that performs pharmacy benefits management functions.

SECTION 7. 49.475 (1) (f) (intro.) of the statutes is amended to read:

49.475 (1) (f) (intro.) “Third party” means an entity that by statute, rule, or contract, or agreement is responsible for payment of a claim for a health care item or service. “Third party” includes all, including any of the following:

SECTION 8. 49.475 (1) (f) 2. of the statutes is amended to read:

49.475 (1) (f) 2. An employee benefit plan described, as defined in 29 USC 1003 (a) that is not exempt under 29 USC 1003 (b) and is not a multiple employer welfare arrangement 1002 (3).

SECTION 9. 49.475 (1) (f) 3. of the statutes is amended to read:

49.475 (1) (f) 3. A service benefit plan, as specified in 42 USC 1396a (25) (1) defined in 5 USC 8903 (1).

SECTION 10. 49.475 (1) (f) 5. of the statutes is created to read:

49.475 (1) (f) 5. A group health plan, as defined in 29 USC 1191b (a) (1), including a self-insured plan.

* Section 991.11, WISCONSIN STATUTES 2009–10 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 11. 49.475 (1) (f) 6. of the statutes is created to read:

49.475 (1) (f) 6. The issuer of a disability insurance policy.

SECTION 12. 49.475 (1) (f) 7. of the statutes is created to read:

49.475 (1) (f) 7. An entity that administers benefits on behalf of another risk-bearing 3rd party, including a 3rd-party administrator, a fiscal intermediary, or a managed care contractor.

SECTION 13m. 49.475 (2m) of the statutes is created to read:

49.475 (2m) LIMITS ON INFORMATION TO BE PROVIDED.

(a) The information that the department may request under this section is limited to the information specified in sub. (2) (a) and does not include an employer's name unless that information is necessary for the department or

a provider to obtain 3rd-party payment for an item or service.

(b) If information under sub. (2) (a) may be available from more than one source that includes an employer operating a self-insured plan, the department shall seek the information first from a 3rd-party administrator or other entity identified in sub. (1) (f) 7. or pharmacy benefits manager before seeking the information from the employer.

(c) Information obtained under this section may be used only for the purposes specified in this section and in federal law on 3rd-party liability in Medical Assistance programs.

SECTION 14m. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

