



2005 SENATE BILL 720

May 1, 2006 - Introduced by Senators HANSEN, LASSA and ERPENBACH, cosponsored by Representatives BENEDICT, SINICKI, ZEPNICK, BERCEAU, POPE-ROBERTS and LEHMAN. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT to amend** 441.07 (1) (d), 447.07 (3) (a), 448.015 (4) and 448.60 (5); and
2 **to create** 449.08 (1) (f) of the statutes; **relating to:** prohibiting certain health
3 care providers from accepting items of value from a representative of a
4 pharmaceutical company.

Analysis by the Legislative Reference Bureau

This bill prohibits health care providers who are authorized to prescribe drugs or devices from accepting anything of value from drug manufacturers or distributors. Under the bill, a health care provider may accept an informative presentation, written or electronic information about a product, or a product sample.

A health care provider who accepts something of value without paying the actual value for the item, service, accommodation, or entertainment may be subject to disciplinary action from the examining board for his or her profession.

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

5 **SECTION 1.** 441.07 (1) (d) of the statutes is amended to read:
6 441.07 (1) (d) Misconduct or unprofessional conduct. If the person holds a
7 certificate to issue prescription orders, unprofessional conduct includes accepting.

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1 without paying the actual value of, any item, service, accommodation, or
2 entertainment of value from a drug manufacturer or distributor except that it does
3 not include accepting an informative presentation, written or electronic information
4 about a product, or a product sample from a drug manufacturer or distributor.

5 **SECTION 2.** 447.07 (3) (a) of the statutes is amended to read:

6 447.07 (3) (a) Engaged in unprofessional conduct. For a dentist, unprofessional
7 conduct includes accepting, without paying the actual value of, any item, service,
8 accommodation, or entertainment of value from a drug manufacturer or distributor
9 except that it does not include accepting an informative presentation, written or
10 electronic information about a product, or a product sample from a drug
11 manufacturer or distributor.

12 **SECTION 3.** 448.015 (4) of the statutes is amended to read:

13 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of
14 commission or omission defined as unprofessional conduct by the board under the
15 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
16 physician assistant in violation of ch. 450 or 961. “Unprofessional conduct” includes
17 accepting, without paying the actual value of, any item, service, accommodation, or
18 entertainment of value from a drug manufacturer or distributor except that it does
19 not include accepting an informative presentation, written or electronic information
20 about a product, or a product sample from a drug manufacturer or distributor.

21 **SECTION 4.** 448.60 (5) of the statutes is amended to read:

22 448.60 (5) “Unprofessional conduct” means an act or attempted act of
23 commission or omission, as defined by the affiliated credentialing board by rule
24 under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961.
25 “Unprofessional conduct” includes accepting, without paying the actual value of, any

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1 item, service, accommodation, or entertainment of value from a drug manufacturer
2 or distributor except that it does not include accepting an informative presentation,
3 written or electronic information about a product, or a product sample from a drug
4 manufacturer or distributor.

5 **SECTION 5.** 449.08 (1) (f) of the statutes is created to read:

6 449.08 (1) (f) Accepting, without paying the actual value of, any item, service,
7 accommodation, or entertainment of value from a drug manufacturer or distributor
8 except that a licensee or registrant may accept an informative presentation, written
9 or electronic information about a product, or a product sample from a drug
10 manufacturer or distributor.

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(END)