



DAN FEYEN

STATE SENATOR

18th Senate District
(608) 266-5300
Sen.Feyen@legis.wi.gov

PO Box 7882, Madison, WI 53707-7882
<http://legis.wisconsin.gov/senate/18/feyen>

To: The Senate Committee on Health
From: Sen. Dan Feyen
Re: Senate Bill 308

Hello, Chairman Testin and committee members. Thank you for taking the time today to hear testimony on Senate Bill 308.

This legislation is a reintroduction of 2019 SB 738. Last session, this bill passed the Assembly unanimously and also passed the Senate Committee on Health and Human Services unanimously. Unfortunately, due to the COVID-19 pandemic, SB 738 failed to pass the Senate.

A remote dispensing site is a pharmacy that operates via remote supervision instead of having a pharmacist physically present. These types of sites are incredibly crucial in underserved and rural communities where a pharmacist may be unable to be physically present. Remote dispensing sites have the same level of supervision as traditional pharmacies. Specialty trained technicians under the supervision of a licensed pharmacist are in charge of dispensing medications at these remote sites.

Currently, WI Statute is not aligned with administrative practice regarding remote dispensing sites. Rules promulgated by the Pharmacy Examining Board allow for these types of pharmacies to operate. However, current state law contradicts these rules, stating that only locations licensed as pharmacies are allowed to store medications. Due to this contradiction, the federal Drug Enforcement Administration has stopped authorizing new remote dispensing sites for controlled substance use. This means these sites are unable to dispense, for example, controlled pain medications.

This bill would allow for these locations to be licensed as pharmacies and thus, allow them to continue to operate as they have been. This legislation explicitly gives the Pharmacy Examining Board authority to promulgate rules regarding remote dispensing sites. This bill also clarifies that free and charitable clinics, as well as narcotic/opiate addiction treatment centers, will not be affected by this legislation.

This bill is supported by the Pharmacy Society of Wisconsin, Advocate Aurora Health, and Concordia University. No one has registered in opposition.

Thank you again for your time and consideration. With that, I am happy to answer any questions the committee has.

Senate Committee on Health
Testimony provided by Annmae Minichiello, PharmD, RPh
RE: Support for Senate Bill 308
May 18, 2021

Chairman Testin and members of the committee,

My name is Annmae Minichiello and I am a licensed pharmacist practicing at UW Health. Thank you for this opportunity to appear before you today to share our support for Senate Bill 308 (SB308) related to licensing and regulating pharmacies and remote dispensing sites under the pharmacy practice law, extending the time limit for emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority. I appreciate your time and interest.

UW Health is the integrated health system of the University of Wisconsin-Madison. Governed by the UW Hospitals and Clinics Authority, UW Health partners with the UW School of Medicine and Public Health to fulfill its patient care, research education and community service mission. That mission impacts more than 600,000 patients annually at seven hospitals and 87 outpatient clinics. In addition, UW Health operates 12 community pharmacies and 3 remote dispensing sites. The remote dispensing sites fill over 30,000 prescriptions a year, with two of the locations primarily serving patients of a federally qualified health center (FQHC).

I have been a licensed pharmacist for 8 years, and currently serve as the lead pharmacist for UW Health's remote dispensing sites. I see first-hand every day the positive impact on patient access to pharmacy services that is possible because of our remote dispensing sites. The proposed legislation aligns Wisconsin statute with administrative practice regarding remote dispensing sites. That's because currently, remote dispensing is allowed to occur at locations that are not licensed as pharmacies under rules promulgated by the Pharmacy Examining Board; however, current law states that only locations licensed as pharmacies are allowed to store medications. Senate Bill 308 would allow remote dispensing sites to continue to operate safely and efficiently.

It is for these reasons that we hope you see fit to support SB308.

Thank you for your consideration. I'd be happy to take questions at this time.

DAVE MURPHY

State Representative • 56th Assembly District

Senate Committee on Health

May 18, 2021

Senate Bill 308/Assembly Bill 295

Testimony of State Representative Dave Murphy

Mr. Chair and members of the committee, thank you for hearing Senate Bill 308 today.

SB 308 is bipartisan technical correction bill to bring administrative rules and statutes into line with current practice with regard to pharmacy remote dispensing sites. This is a re-introduction of a bill from last session.

Remote dispensing sites have existed under Wisconsin law for about a decade. They operate primarily in rural hospitals and clinics where it is not possible to have a pharmacist onsite, but patients require access to a dispensing pharmacy. At remote dispensing sites, technicians dispense under the remote supervision of a pharmacist. A pharmacist speaks to each patient before any drug is passed to a patient.

Current statute provides that pharmacists may dispense at certain locations and the Pharmacy Examining Board may promulgate rules about this dispensing. The rules that were promulgated created a mechanism for dispensing to occur at locations that essentially act as mini-pharmacies. Since statutes provide that only pharmacies can store drugs, and these sites aren't pharmacies, the rules go beyond the statutory allowance by creating remote dispensing sites, instead of permitting pharmacists to dispense outside of a pharmacy. The rules relating to remote dispensing sites are not specifically authorized by statute, which means there is not explicit authority for the rules to exist per the REINS act.

The federal Drug Enforcement Administration (DEA) has already stopped issuing DEA numbers to new remote dispensing sites because they are not considered licensed pharmacies under Wisconsin code. Our bill will license these sites specifically as "Remote Dispensing Sites," which gives the Pharmacy Examining Board clear and direct authority to write rules about these sites in the statutes and allows the DEA to issue DEA numbers to these sites.

The bill clarifies in statute that these sites may operate without a pharmacist present, but under the supervision of the pharmacist, which does not change current practice.

This bill is being advocated for by the Pharmacy Society of Wisconsin with the support of Aurora Health and Concordia University.

It is critical that we move quickly on this bipartisan piece of legislation to bring our laws into line with a pharmacological practice that is serving an important need in our rural Wisconsin communities. If we fail to act, it is very likely that many remote dispensing sites will be forced to close, which will limit access to medications for countless patients across Wisconsin. Thank you.