



2011 SENATE BILL 78

April 27, 2011 – Introduced by Senators CARPENTER, HANSEN, WIRCH, HOLPERIN, LASSA, SCHULTZ, MILLER, JAUCH, C. LARSON, ERPENBACH, T. CULLEN, RISSER and S. COGGS, cosponsored by Representatives JORGENSEN, SHILLING, PASCH, BEWLEY, TURNER, ZEPNICK, BERNARD SCHABER, BERCEAU, POPE-ROBERTS, MOLEPSKE JR, KESSLER, RINGHAND, ROYS, YOUNG, E. COGGS, FIELDS, POCAN, STASKUNAS, MASON, GRIGSBY, HEBL, HULSEY, VRUWINK, STEINBRINK, MILROY, CLARK, HINTZ and SINICKI. Referred to Committee on Insurance and Housing.

1 **AN ACT to amend** 20.435 (4) (bv), 20.435 (4) (j) and 20.435 (4) (jb); and **to create**
2 49.688 (13) of the statutes; **relating to:** waiver for prescription drug assistance
3 for elderly program, use of excess moneys in prescription drug assistance for
4 elderly program, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) administers the Senior Care 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. Some of the moneys to administer the Senior Care program derive from the federal government and other moneys come from the state's general purpose revenue (GPR) or from program revenue (PR). Moneys from GPR are used to pay pharmacies and pharmacists under the Senior Care program. Program revenue from rebate payments by manufacturers is used to pay pharmacies and pharmacists and PR from payment of enrollment fees is used for administration of Senior Care. This bill requires DHS to obtain any waiver of federal Medicaid laws necessary to continue administration of Senior Care and to implement any waiver received for the administration of Senior Care. The bill also requires that any GPR moneys remaining after paying pharmacies and pharmacists and any PR moneys remaining after paying pharmacies and pharmacists and paying for program administration be used by DHS for the following purposes: to reduce enrollment costs for seniors

SENATE BILL 78

participating in Senior Care, to reduce the prices paid by Senior Care enrollees for prescription drugs, and to enlarge the number of prescription drugs available through the Senior Care program.

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.** 20.435 (4) (bv) of the statutes is amended to read:

2 20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* Biennially, the
3 amounts in the schedule for payment to pharmacies and pharmacists under s. 49.688
4 (7) for prescription drug assistance for elderly persons and, if there are moneys
5 remaining after payments to pharmacies and pharmacists, for the purposes under
6 s. 49.688 (13).

7 **SECTION 2.** 20.435 (4) (j) of the statutes is amended to read:

8 20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*
9 All moneys received from rebate payments by manufacturers under s. 49.688 (6), to
10 be used for payment to pharmacies and pharmacists under s. 49.688 (7) for
11 prescription drug assistance for elderly persons and, if there are moneys remaining
12 after payments to pharmacies and pharmacists, for the purposes under s. 49.688
13 (13).

14 **SECTION 3.** 20.435 (4) (jb) of the statutes is amended to read:

15 20.435 (4) (jb) *Prescription drug assistance for elderly; enrollment fees.* All
16 moneys received from payment of enrollment fees under s. 49.688 (3), to be used for
17 administration of the program under s. 49.688 and, if there are moneys remaining
18 after paying for program administration, for the purposes under s. 49.688 (13).

19 **SECTION 4.** 49.688 (13) of the statutes is created to read:

