



2015 SENATE BILL 716

February 9, 2016 – Introduced by Senators DARLING, HARSDORF, MARKLEIN, OLSEN and CARPENTER, cosponsored by Representatives NYGREN, TAUCHEN, SPIROS, PETERSEN, T. LARSON, QUINN, ROHRKASTE, CZAJA, PETRYK, SANFELIPPO, KATZMA, KNODL, A. OTT, KITCHENS, NOVAK, KREMER, EDMING, DUCHOW, TRANEL, KAHL, BILLINGS, KOLSTE, GOYKE, OHNSTAD, CONSIDINE and HINTZ. Referred to Committee on Health and Human Services.

- 1 **AN ACT to create** 961.385 (5) and 961.385 (6) of the statutes; **relating to:** review
2 and reporting requirements for the Prescription Drug Monitoring Program.

Analysis by the Legislative Reference Bureau

This bill creates program review and reporting requirements for the Prescription Drug Monitoring Program (PDMP) administered by the Controlled Substances Board. Beginning in 2017, the bill requires the board to conduct an annual review of the PDMP to evaluate the actual program outcomes compared with projected outcomes. That review must include an evaluation of the satisfaction with the PDMP of pharmacists, pharmacies, practitioners, and other users of the PDMP and the PDMP's impact on referrals of pharmacists, pharmacies, and practitioners to relevant boards for discipline and to law enforcement agencies for investigation and prosecution. The bill requires the board to report the results of its annual program review to the Department of Safety and Professional Services. The bill sunsets the program review requirement after the program review is conducted in 2020.

Also beginning in 2017, the bill requires the board to submit a report to DSPS on an annual basis that includes all of the following:

1. An assessment of the trends and changes in the use of monitored prescription drugs in Wisconsin.
2. The number of practitioners, by profession, and pharmacies submitting records to the board under the PDMP.
3. A description of the number, frequency, and nature of certain submissions of information to the PDMP by law enforcement agencies, including notices of

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suspected violations of controlled substances laws, opioid-related drug overdoses, deaths as a result of using a narcotics, and reports of stolen controlled-substance prescriptions. This reporting requirement becomes effective only if 2015 Assembly Bill 365 becomes law.

4. A description of the number, frequency, and nature of requests for disclosure of records generated under the PDMP.

5. The number of individuals receiving prescription orders from five or more practitioners or having monitored prescription drugs dispensed by five or more pharmacies within the same 90-day period.

6. The number of individuals receiving daily morphine milligram equivalents of one to 19 milligrams, 20 to 49 milligrams, 50 to 99 milligrams, and 100 or more milligrams.

7. The number of individuals to whom both opioids and benzodiazepines were dispensed within the same 90-day period.

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.** 961.385 (5) of the statutes is created to read:

2 961.385 (5) (a) Beginning in 2017, no later than October 1 of each year, the
3 board shall conduct a review of the program under this section to evaluate the actual
4 outcomes of the program compared with projected outcomes, as determined by the
5 board. The board's review shall include an evaluation of all of the following:

6 1. The satisfaction with the program of pharmacists, pharmacies,
7 practitioners, and other users of the program.

8 2. The program's impact on referrals of pharmacists, pharmacies, and
9 practitioners to licensing or regulatory boards for discipline and to law enforcement
10 agencies for investigation and possible prosecution.

11 (b) This subsection does not apply after October 1, 2020.

12 **SECTION 2.** 961.385 (6) of the statutes is created to read:

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1 961.385 (6) Beginning in 2017, no later than November 1 of each year, the board
2 shall provide a report to the department of safety and professional services for the
3 previous fiscal year that includes all of the following:

4 (a) The results of the board's review under sub. (5). This paragraph does not
5 apply after November 1, 2020.

6 (b) An assessment of the trends and changes in the use of monitored
7 prescription drugs in this state.

8 (c) The number of practitioners, by profession, and pharmacies submitting
9 records to the board under the program.

10 (d) A description of the number, frequency, and nature of submissions by law
11 enforcement agencies under s. 961.37 (3) (a).

12 (e) A description of the number, frequency, and nature of requests for disclosure
13 of records generated under the program.

14 (f) The number of individuals receiving prescription orders from 5 or more
15 practitioners or having monitored prescription drugs dispensed by 5 or more
16 pharmacies within the same 90-day period.

17 (g) The number of individuals receiving daily morphine milligram equivalents
18 of 1 to 19 milligrams, 20 to 49 milligrams, 50 to 99 milligrams, and 100 or more
19 milligrams.

20 (h) The number of individuals to whom both opioids and benzodiazepines were
21 dispensed within the same 90-day period.

SECTION 3. Nonstatutory provisions.

22 (1) RECONCILIATION PROVISION. The treatment of 961.385 (6) (d) of the statutes
23 by this act takes effect only if the treatment of section 961.37 (3) (a) of the statutes
24 takes effect as shown in 2015 Wisconsin Act (Assembly Bill 365). If 2015
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SECTION 3

1 Wisconsin Act (Assembly Bill 365) does not become law, the treatment of section
2 961.385 (6) (d) of the statutes by this act is void.

3 (END)