



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0928/1
TJD:emw

2017 SENATE BILL 8

January 20, 2017 - Introduced by Senators CARPENTER, VINEHOUT, HANSEN, BEWLEY, ERPENBACH, RINGHAND, L. TAYLOR, WIRCH, C. LARSON and SHILLING, cosponsored by Representatives KOLSTE, ZAMARRIPA, RIEMER, WACHS, BILLINGS, SPREITZER, YOUNG, BERCEAU, C. TAYLOR, ZEPNICK, OHNSTAD, POPE, BROSTOFF, SARGENT, CONSIDINE, GENRICH, DOYLE, SUBECK, HEBL, MASON, ANDERSON, SHANKLAND, BARCA and MEYERS. Referred to Committee on Health and Human Services.

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

This bill requires the Department of Health Services to obtain any waiver of federal Medicaid laws necessary to continue administration of SeniorCare and to implement any waiver received for the administration of SeniorCare. The bill also requires that any general purpose revenue moneys remaining after paying pharmacies and pharmacists, any program revenue moneys remaining after paying pharmacies and pharmacists and paying for program administration, and any federal moneys remaining be used by DHS for the following purposes: to reduce enrollment costs for seniors participating in SeniorCare, to reduce the prices paid by SeniorCare enrollees for prescription drugs, and to enlarge the number of prescription drugs available through the SeniorCare program.

Under current law, DHS administers the SeniorCare 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 SeniorCare program derive from the federal government and other moneys come from the state's GPR or from PR. Moneys from GPR are used to pay pharmacies and

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pharmacists under the SeniorCare program. PR from rebate payments by manufacturers is used to pay pharmacies and pharmacists and PR from payment of enrollment fees is used for administration of SeniorCare.

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:

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1 49.688 (13) If there are moneys available in the appropriation accounts under
2 s. 20.435 (4) (bv), (j), (jb), or (pg), the department shall use those moneys to reduce
3 enrollment costs for individuals participating in the program under this section, to
4 reduce the prices paid by individuals in the program under this section for
5 prescription drugs, and to enlarge the number of prescription drugs available under
6 the program under this section.

7 **SECTION 5. Nonstatutory provisions.**

8 (1) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY CONTINUATION. The department
9 of health services shall request from the federal secretary of health and human
10 services any waiver of federal medicaid laws necessary to permit the department of
11 health services to continue administering the program under section 49.688 of the
12 statutes. The department shall implement any waiver received under this
13 subsection.

14

(END)