

**ADMINISTRATIVE RULES
REPORT TO LEGISLATURE
CLEARINGHOUSE RULE 06-018**

**Department of Health and Family Services
Relating to Ch. HFS 148 Cancer Drug Repository Program**

Basis and Purpose of Proposed Rule

Section 255.056 (7) Stat., requires the Department to promulgate rules for the administration of the cancer and chronic disease program under which unused, donated chronic disease drugs and supplies may be dispensed to individuals who are diagnosed with cancer and chronic disease. Section 255.056, Stats., requires rules to establish requirements for participation in the program; forms for use in the administration of the program; drugs and supplies that may and may not be accepted for use under the program; and the maximum handling fee that a pharmacy or medical facility may charge a recipient for drugs or supplies received under the program. Existing rules only allow donation and receipt of cancer drugs and supplies. The Department proposes to modify ch. HFS 148 to insert the term "chronic disease" where appropriate, thereby, allowing both cancer and chronic disease drugs and supplies to be accepted as required under s. 255.056, Stats. The Department also proposes to remove the alternative \$15 handling fee prescribed under s. HFS 148.08 to avoid any conflicts that may occur between this alternative amount and the Medicaid dispensing fee which is used as the basis of the handling fee amount that can be charged to persons eligible to receive drugs and supplies under the program.

Responses to Legislative Council Rules Clearinghouse Recommendations

The Clearinghouse made no recommendations.

Final Regulatory Flexibility Analysis

The expansion of the drug repository program to include chronic diseases drugs and supplies and amend the handling fee provision prescribed under s. HFS 148.08, will not have a significant economic impact on current or potential pharmacy or medical facility participants in the drug repository program, including those that meet the definition of small business under s. 227.114 (1), Stats.

Changes to the Analysis or Fiscal Estimate

Analysis

No changes have been made to the rulemaking order analysis.

Fiscal Estimate

No changes have been made to the rule making order fiscal estimate.

Public Hearing Summary

Beginning March 2, 2006, the Department began accepting public comments via the Wisconsin Administrative Rules Website. One public hearing was held on April 4, 2006 in Madison, Wisconsin. Doug Englebert, R.Ph., Division of Disability and Elder Services Bureau of Quality Assurance was the hearing coordinator. The Department accepted comments on the proposed rule until 4:30 PM, April 14, 2006. No person attended the public hearing(s) or submitted comments on the proposed rule.