



# DAVE MURPHY

State Representative • 56th Assembly District

**Assembly Committee on Health**

**February 5, 2020**

**Assembly Bill 788**

**Testimony of State Representative Dave Murphy**

Mr. Chair and members of the committee, thank you for hearing Assembly Bill 788 today.

Assembly Bill 788 is bipartisan technical correction bill to bring administrative rules and statutes into line with current practice with regard to pharmacy remote dispensing sites.

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 the Wisconsin Hospital Association, the Rural Wisconsin Health Cooperative, Aurora, Froedtert, SSM Health, and the UW Hospital and Clinics. Veterinarians and opioid treatment programs are also concerned about the overly broad scope of administrative rules and the narrow carve out that we are proposing, and we are considering an amendment to ensure their services are not inhibited either by the current administrative rules or the change we are proposing.

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.



**DAN FEYEN**

**STATE SENATOR**

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To: The Assembly Committee on Health  
From: Sen. Dan Feyen  
Re: Senate Bill 788

Mr. Chair, members of the committee, thank you for holding this hearing today.

This bill ensures that remote dispensing sites that are currently operating can continue to operate. A remote dispensing site is a type of pharmacy that operates with a specially trained pharmacy technician and remote supervision by a pharmacist, rather than having a pharmacist on site like a traditional pharmacy. The pharmacist counsels patients via a video chat. These sites currently exist and are vital access points in rural and otherwise underserved areas.

Remote dispensing sites currently operate in this manner. This bill simply allows them to continue these operations in light of DSPS' new interpretation of their statutory authority.

There will be pharmacists speaking after me today who are well equipped to answer technical questions about the bill.

Thank you for your time today. I welcome any questions you may have.

Philip J. Trapskin, RPh, PharmD, BCPS  
2861 Crinkle Root Drive  
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DATE: February 20th, 2020  
TO: Representative Joe Sanfelippo, Chair  
Members, Assembly Committee on Health  
FROM: Wisconsin Pharmacy Examining Board  
Philip J. Trapskin, PharmD, BCPS, PEB Chair

**SUBJECT: Assembly Bill 788: relating to licensing and regulation of 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.**

Thank you for the opportunity to testify today in support of Assembly Bill 788. My name is Philip Trapskin, and I serve as a pharmacist member and Chair of the Wisconsin Pharmacy Examining Board (PEB).

Please indulge me in providing the Committee with a brief history of remote dispensing sites in Wisconsin. In 2007, Wisconsin Act 202 established the legal foundation for remote dispensing, and the Pharmacy Examining Board then promulgated rules of minimum standards for supervision, operations, and personnel necessary to protect the public. Subsequently, in 2011, WI Act 21 created 227.10(2m) No agency may implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by a rule that has been promulgated in accordance with this subchapter. The governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with this subchapter. As part of the Pharmacy Examining Board's work to update chapter Phar 7, the Board determined that statutory authority does not exist to permit the storage of medications at remote dispensing sites.

The proposed legislation provides a framework that would limit remote dispensing to locations licensed as a pharmacy. As a licensed pharmacy, it would be permissible to store medications. Furthermore, explicit statutory authority is granted for the promulgation of rules by the Pharmacy Examining Board for the minimum standards necessary for pharmacies to safely operate as remote dispensing sites.

In conclusion, I would like to thank Representatives Murphy, Skowronski, and Milroy for their leadership and sponsorship of AB 788, and Chairman Sanfelippo for holding today's hearing.

**Assembly Committee on Health**  
**Testimony provided by Annmae Minichiello, PharmD, RPh, Clinical Pharmacist at UW Health**  
**February 5, 2020**  
**RE: Support for Assembly Bill 788**

Chairman Sanfelippo and members of the committee,

My name is Annmae Minichiello, and I am a licensed pharmacist practicing at UW Health. I have practiced in pharmacy for over 8 years and currently serve as a lead pharmacist for UW Health's remote dispensing sites. Thank you for this opportunity to appear before you today to share our support for Assembly Bill 788 related to licensing and regulating pharmacies and remote dispensing sites. 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 touches more than half a million 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). These Access Community Health Centers focus on providing care to people who need it the most—the underserved and marginalized populations of Madison.

Every day, I witness first-hand the positive impact that remote dispense pharmacies have on our patients that would otherwise not have access to pharmacy services. This technology has broken down the economic, educational, and cultural barriers that these individuals face. On countless occasions, patients have expressed gratitude for the services that we provide. By offering patient care to those who have trouble accessing the health system, these sites have been integral at strengthening the surrounding communities and neighborhoods of Madison.

The proposed legislation enables remote dispensing sites to operate safely and efficiently. It is for these reasons that I hope you see fit to support AB788.

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