



John Nygren

WISCONSIN STATE REPRESENTATIVE ★ 89TH ASSEMBLY DISTRICT

Co-Chair, Joint Committee on Finance

Assembly Bill 445 – Identification presentation and monitoring for certain prescription drugs.

Assembly Committee on Health

Testimony by State Rep. John Nygren

January 9, 2014

Thank you, Chair Severson and members of the Committee on Health for holding a public hearing on Assembly Bill 445.

As you are well aware, prescription drug and heroin abuse is a growing problem in our state. Once considered a problem faced primarily by those in the inner-city, these drugs have rapidly spread to our smaller communities and rural parts of the state. My family has personally dealt with the effects of heroin and I am very appreciative of the outpouring of support I have received from my colleagues in the Legislature and families who have been impacted by the heroin epidemic. I have heard countless personal stories from individuals affected by drugs, many of which are seeking a voice to help confront this public health crisis. Today, I hope to be that voice.

For many prescription opioid users, the shift from prescription abuse to illegal and highly addictive heroin use is swift and of growing concern. To battle this concern, local law enforcement recommended we introduce legislation which would require individuals to show proper identification when picking up Schedule II or III narcotic/opiate prescriptions. To be clear, Assembly Bill 445 would not disallow individuals from picking up these kinds of prescriptions for others; it only proposes tracking who is doing so. I am confident that if pharmacies keep a record of dispensed drugs, including the name of the person picking up drugs and their method of payment, they will be better able to assist in criminal investigations and help law enforcement solve drug crimes. Under this bill, patient privacy is addressed as law enforcement would not have access to the list of prescriptions unless they went through the proper legal channels.

Acceptable forms include a driver's license, a state identification card, a US uniformed service card, or a US passport.

There is no doubt that abuse of prescription drugs is directly linked to the rising rate of heroin use in our state. For this reason, there is a real need to address fraud in the system in order to deter more prescription drugs from being obtained illegally. After working with various stakeholders, including members of the law enforcement community, I am confident this bill



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will help to limit the supply of illegal drugs and will provide law enforcement another tool to help combat the heroin epidemic.

I appreciate the opportunity to testify before your committee today on this important piece of legislation and welcome any questions you may have at this time.



State Senator Sheila Harsdorf

Date: January 9, 2014
To: Assembly Committee on Health
From: Senator Sheila Harsdorf
RE: Assembly Bill 445 – Prescription Drugs

Dear Chair Severson and Committee Members:

Thank you for holding a public hearing on Assembly Bill 445 (AB 445), which would require individuals to show identification when picking up prescription medications that are classified as a Schedule II or III controlled substance. I regret that I am unable to testify in support of this legislation in person due to a scheduling conflict, but appreciate the opportunity to share with you the importance of this legislation.

This legislation is part of a package of bills intended to address the growing heroin use epidemic in our state. Individuals often fall prey to substance abuse due to the availability and accessibility of legal drugs and substances, including prescription medications. AB 445 would require individuals to show identification in order to pick up certain prescription drugs and would require pharmacies to keep a record of individuals that have picked up the dispensed drugs. This step will work to deter individuals that may seek out powerful prescription drugs to feed their addiction. Additionally, by having this information on hand, pharmacies can assist law enforcement in solving crimes and identifying those that are abusing prescription drugs. It is important to note that law enforcement would still be required to follow proper legal procedures to obtain the information from pharmacies.

This legislation seeks to take Wisconsin another step forward in the fight against drug addiction. I am pleased that this legislation has received broad bipartisan support and urge your passage of AB 445.

Dear ladies and gentlemen of the Assembly and other dignitaries,

My name is Karen Hale of Hudson, WI and I am strongly in favor of the four bills being presented before you under the Hope Package. The bills hold a personal significance and are deeply close to my heart since my county; St. Croix has been severely impacted by the heroin and prescription drug epidemic. In less than one year in my community of Hudson, we have lost seven (7) young people to this epidemic of prescription drug medication/heroin abuse.

I speak from personal experience since I lost my 21 year old daughter, Alysa Jenea' Ivy on May 18, 2013 to this epidemic. As a parent I never wished for my daughter to become addicted to prescription drugs and heroin nor did she ever wish this upon herself. My community of Hudson is no different than many communities across our state of Wisconsin; we have a huge epidemic within our state reaching into every crossroads of our counties, and communities both in suburbia homes and in rural areas. Being a border town, our county is exposed to some of the highest quality of heroin crossing into our state from Minnesota and it is imperative stronger initiatives need to be in place and implemented.

These bills being presented before you are addressing the increase of prescription drug/heroin use impacting so many individuals, families and our communities across the state. I am just one family which this epidemic gravely impacted and "lost" their child in the battle of this epidemic, but I speak for many families who are struggling with addiction within their homes.

Bill AB 445 will insure prescriptions are being picked-up by the person intended since if you have ever lived a life of either an addict or experienced your child with an addiction they are master manipulators and will stop at nothing in order to feed their illness and disease. This bill will hold pharmacists and those distributing the prescriptions accountable that the medications are going into the correct hands. The bill will reduce those seeking these drugs under false identities and will insure they are properly distributed to the intended parties.

When you look at the package of bills being presented today; they are to Save Lives!! We have a huge epidemic in the State of Wisconsin and so many other states have led the way to fight this epidemic rapidly increasing across our nation. None of these bills will bring back my daughter; Alysa but if my speaking out in favoritism can save one person, one family, one life the heartache I live with each and every day, no parent should have to endure this pain and sorrow or bury their child, these bills can and will save lives.

It is time for the state of Wisconsin to foster change and embrace these bills since the people of our state are so worth living and saving!! I hope you take into consideration the empowerment each of these bills will have on our state and be leaders in their approvals.

Thank you,

Karen Hale
725 Glenna Drive
Hudson, WI 54016



DATE: Thursday, January 9, 2014
TO: Representative Severson, Chair
Members, Assembly Committee on Health
FROM: Pharmacy Society of Wisconsin
Anna Legreid Dopp, PharmD, Vice President of Public Affairs

SUBJECT: Identification Requirement for Controlled Substances (Assembly Bill 445)

Pharmacy Society of Wisconsin Position: SUPPORT AS AMENDED WITH MODIFICATIONS

Thank you for the opportunity to provide feedback on Assembly Bill 445 (AB445) which, if enacted, would require presentation and documentation of an identification (ID) card prior to the dispensing of a Schedule II or III controlled substance to a patient or his/her agent that is unknown to the pharmacist and pharmacy staff. We commend Representative Nygren and the co-sponsors of this bill for their commitment to addressing the prescription drug abuse epidemic in Wisconsin. Pharmacists are committed to addressing this epidemic and are key to minimizing and mitigating prescription fraud and abuse.

We appreciate that legislators and law enforcement officials recognize pharmacists as part of the solution to this multifaceted problem. As medication experts, no other healthcare professional takes greater care in managing the prescription drug process than pharmacists, and this is certainly the case for controlled substances with abuse potential.

Unfortunately, the prescription drug abuse epidemic continues to worsen. Too many people mistakenly perceive prescription drugs as safe when compared to street drugs. The vast majority of prescription drug addiction occurs unintentionally from overuse of a medication that has been legitimately prescribed and dispensed to treat pain or another problem. For those that are intentionally abusing drugs, over 70% obtain, purchase, or steal drugs from a friend or family member. Too often controlled substances are prescribed and provided in large quantities when smaller amounts would be sufficient. Better professional and public education regarding use of smaller quantities and disposal of unused medications is warranted.

On the other hand, there is an increase in fraudulent activity in obtaining controlled substances. The number of pharmacy robberies are increasing, putting the lives of pharmacy staff in danger and putting more controlled substances out on the streets. In addition, people are seeking controlled substances from multiple prescribers and filling them in multiple pharmacies. To thwart this seeking behavior, pharmacists and PSW advocated for the development of prescription drug monitoring program (PDMP), operational since April 2013. As reported recently from the Department of Safety and Professional Services, the PDMP dataset includes 10 million records that identify the prescriber, dispenser, and items unique to the specific drug. The PDMP can be assessed to identify and evaluate outliers, possible doctor-shoppers and abusers of the system.

In addition to requiring persons to present an ID prior to obtaining a Schedule II or III controlled substance, AB 445 proposes to add, by statute, two additional data points to the PDMP from pharmacy records: the method of payment (insurance, cash, or Medicaid) and the name of the person who picks-up or receives the medication. PSW believes the method of payment has merit and may provide data that illustrates situations of abuse. However, the value of reporting the name of the person picking up the medication is unknown and it causes administrative and technical challenges for

pharmacies to collect and report it. We asked Representative Nygren to remove this reporting requirement and replace it with a documentation process internal to the pharmacy. Representative Nygren honored this request and the amendment to the bill does that for a period of two years. After two years the amendment allows the Pharmacy Examining Board, with the approval of the Department Secretary, to determine if the ID reporting requirement is to be further delayed or required.

Although PSW does not believe the ID reporting requirement should ever occur, in the spirit of compromise and collaboration, we offer our support to the amended legislative proposal. However, we have concerns with the amendment language that provides the Department Secretary the authority to unilaterally decide whether to implement the reporting requirement, rather than having the Pharmacy Examining Board propose a rule as is done with all other PDMP reporting requirements. We can provide language for the committee to consider that would follow the normal rule making process should the reporting requirement be deemed necessary after two years.

Lastly, some of PSW's members that serve patients in hospitals and who reside in nursing homes and community-based residential care facilities have expressed concern about the ID checking and reporting requirement. We've been told that ID checking and reporting requirements called for in the legislation would not be required in these situations because the pharmacist knows that the patient is a resident of the institution or facility, even though the pharmacist may not personally know the patient. We request that this intent be affirmed by the legislative process or that the Pharmacy Examining Board be allowed to provide policy exemptions in such cases similar to how the amended legislation allows for exemption if a medication is mailed to a patient.

PSW pledges its continued support in fighting against the prescription drug abuse epidemic and of the utilization of the PDMP. We also thank Representative Nygren and members of this committee for taking the concerns of Wisconsin's pharmacists into consideration. We welcome an opportunity to collaborate with legislators, law enforcement officials, other healthcare professionals, and advocacy groups in order to identify comprehensive and effective policies to curb prescription drug abuse.

The Pharmacy Society of Wisconsin (PSW) is a nonprofit professional association representing nearly 3400 pharmacists, pharmacy technicians, and student pharmacists in the state of Wisconsin. We seek to improve the health outcomes and well-being of patients in Wisconsin, to serve as a unified voice for our members and the practice of pharmacy, and to advance the pharmacy profession.



Testimony by ARCW Vice President Bill Keeton in Support of the Heroin Opiate Prevention and Education (HOPE) Legislative Package

Good Afternoon Chairman Severson and Committee Members,

Thank you for allowing me the opportunity to speak with you today in support of the HOPE legislative package. My name is Bill Keeton and I am the Vice President for Government and Public Relations at the AIDS Resource Center of Wisconsin, also known as ARCW.

I would like to take a moment to publicly thank Representative Nygren for his courage and leadership in introducing these bills. ARCW has worked closely with Representative Nygren in the creation of these important and timely pieces of legislation.

Since 1994, The AIDS Resource Center of Wisconsin has been providing HIV prevention services to injection drug users across the state. At our core, we believe in the value of all life and at the heart of our mission is a commitment to keeping people alive by helping them avoid HIV or unnecessary death resulting from overdose. Our interventions with injection drug users include HIV prevention and testing, opiate overdose prevention and access to AODA treatment either directly at ARCW or through referral partners.

To be clear, I want to emphasize that ARCW does not condone, encourage or approve of illicit drug use – in fact we encourage everyone we reach to choose sobriety and work with them to reach this goal.

Unfortunately, heroin use and opiate overdose deaths are on the rise throughout Wisconsin for numerous reasons. In 2012, heroin deaths totaled 199 and for the first time in history, heroin overdoses outpaced overdose deaths related to cocaine.

The increase in heroin use led to a marked increase in the demand for HIV and overdose prevention services ARCW provides. We now reach roughly 17,000 injection drug users in Wisconsin annually. The interventions we provide include training individuals who are likely to witness or experience an overdose in the use of Naloxone - an otherwise harmless drug that can immediately counteract the effects of an opiate overdose.

ARCW has trained 2,491 people in how to safely administer naloxone since starting our opiate overdose prevention program in 2005. Since that time, 2,134 individuals trained by ARCW have returned to ARCW to report that they have saved someone else's life because of our program.

Assembly Bill 445 will help curb drug diversion of narcotic pain medications. ARCW supports an amendment to AB 445 that creates an exception from the ID requirement provided a pharmacist knows the person picking up the prescription. We believe this is an adequate compromise that will reduce the potential burden created on small pharmacies – such as the one at ARCW – that provide services to a limited and well-known patient population.

Thank you again for your time today. I would be happy to answer any questions you may have about my testimony or about ARCW and our role in preventing opiate overdose deaths.

