

# State of Wisconsin



2023 Senate Bill 672

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

AN ACT *to create* 49.45 (49r) of the statutes; **relating to:** value-based purchasing arrangements under the Medical Assistance program.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 49.45 (49r) of the statutes is created to read:

49.45 (49r) VALUE-BASED PURCHASING. (a) In this subsection, "manufacturer" has the meaning given in s. 450.01 (12).

(b) Subject to par. (e), the department may enter into a value-based purchasing arrangement for the Medical Assistance program by written agreement with a manufacturer based on agreed upon metrics to which the department and the manufacturer agree in writing. A value-based purchasing arrangement under this paragraph may include any of the following:

1. Rebates.
2. Discounts.
3. Price reductions.
4. Risk sharing.
5. Reimbursements.
6. Payment deferrals or installment payments.
7. Guarantees.

8. Shared savings payments.
9. Withholds.
10. Bonuses.
11. Any other thing of value.

(c) Nothing in this subsection may be interpreted to require a manufacturer or the department to enter into an arrangement described under par. (b).

(d) Nothing in this subsection may be construed to alter or modify coverage requirements under the Medical Assistance program.

(e) If the department determines it is unable to implement this subsection without a waiver of federal law, state plan amendment, or other federal approval, the department shall request from the secretary of the federal department of health and human services any waiver of federal law, state plan amendment, or other federal approval necessary to implement this subsection. If the federal department of health and human services does not approve a waiver of federal law, state plan amendment, or other federal approval under this paragraph, the department is not required to implement this subsection.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."