

HOUSE BILL 407

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8lr2142
CF SB 232

By: **Delegates Cullison, Hayes, Hill, Kipke, Krebs, Morales, Platt, and West**
Introduced and read first time: January 24, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – General Hospice Care Programs – Collection and Disposal of**
3 **Unused Prescription Medication**

4 FOR the purpose of requiring a general hospice care program to establish a written unused
5 prescription medication collection and disposal policy that includes certain
6 provisions; requiring an employee of a general hospice care program to immediately
7 collect and dispose of a certain patient's unused prescription medication under
8 certain circumstances; requiring a certain employee to provide to the patient or
9 patient's family member or personal representative a certain written request for
10 authorizing the collection and disposal of certain medication; prohibiting an
11 employee of a general hospice care program from collecting or disposing of certain
12 medication without a certain written authorization; requiring a certain employee to
13 urge a certain patient or the patient's family member or personal representative to
14 dispose of certain medication in a certain manner under certain circumstances;
15 requiring a certain employee, under certain circumstances, to immediately dispose
16 of certain medication in accordance with certain guidelines and under the witness of
17 certain individuals; requiring that the collection and disposal of certain medication
18 be documented in a patient's medical record; requiring that the medical record
19 include certain information; requiring a certain general hospice program employee
20 to document a certain refusal and certain other information in a certain patient's
21 medical record under certain circumstances; prohibiting a general hospice care
22 program from being held liable in a civil or criminal action under certain
23 circumstances; and generally relating to the collection and disposal of unused
24 prescription medication by general hospice care programs.

25 BY adding to
26 Article – Health – General
27 Section 19–914
28 Annotated Code of Maryland
29 (2015 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 **19–914.**

5 (A) A GENERAL HOSPICE CARE PROGRAM SHALL ESTABLISH A WRITTEN
6 POLICY THAT OUTLINES THE PROCEDURES FOR THE COLLECTION AND DISPOSAL OF
7 A PATIENT’S UNUSED PRESCRIPTION MEDICATION, INCLUDING A PROCEDURE THAT
8 REQUIRES A GENERAL HOSPICE CARE EMPLOYEE, AT THE TIME THAT A PATIENT IS
9 ENROLLED IN THE GENERAL HOSPICE CARE PROGRAM, TO:

10 (1) DISCUSS WITH THE PATIENT AND THE PATIENT’S FAMILY MEMBER
11 OR PERSONAL REPRESENTATIVE THE REQUIREMENTS UNDER SUBSECTION (B) OF
12 THIS SECTION; AND

13 (2) PROVIDE A WRITTEN COPY OF THE UNUSED PRESCRIPTION
14 MEDICATION COLLECTION AND DISPOSAL POLICY TO THE PATIENT AND THE
15 PATIENT’S FAMILY MEMBER OR PERSONAL REPRESENTATIVE.

16 (B) (1) IN ACCORDANCE WITH A GENERAL HOSPICE CARE PROGRAM’S
17 POLICY AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A
18 GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL IMMEDIATELY COLLECT AND
19 DISPOSE OF A PATIENT’S UNUSED PRESCRIPTION MEDICATION ON:

20 (I) THE DEATH OF THE PATIENT; OR

21 (II) THE TERMINATION OF A PRESCRIPTION MEDICATION BY
22 THE PATIENT’S PRESCRIBER.

23 (2) BEFORE A GENERAL HOSPICE CARE PROGRAM EMPLOYEE
24 COLLECTS OR DISPOSES OF A PATIENT’S UNUSED PRESCRIPTION MEDICATION
25 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EMPLOYEE SHALL PROVIDE TO
26 THE PATIENT OR THE PATIENT’S FAMILY MEMBER OR PERSONAL REPRESENTATIVE
27 A WRITTEN REQUEST FOR AUTHORIZATION TO COLLECT AND DISPOSE OF THE
28 PATIENT’S UNUSED PRESCRIPTION MEDICATION IN ACCORDANCE WITH THE
29 PATIENT’S CARE PLAN.

30 (3) A GENERAL HOSPICE CARE PROGRAM EMPLOYEE MAY NOT
31 COLLECT OR DISPOSE OF A PATIENT’S UNUSED PRESCRIPTION MEDICATION UNLESS
32 THE PATIENT OR THE PATIENT’S FAMILY MEMBER OR REPRESENTATIVE PROVIDES
33 WRITTEN AUTHORIZATION TO THE GENERAL HOSPICE CARE PROGRAM.

1 **(4) IF A PATIENT OR THE PATIENT’S FAMILY MEMBER OR PERSONAL**
2 **REPRESENTATIVE REFUSES TO AUTHORIZE THE COLLECTION OR DISPOSAL OF THE**
3 **PATIENT’S UNUSED PRESCRIPTION MEDICATION, THE GENERAL HOSPICE CARE**
4 **PROGRAM EMPLOYEE SHALL URGE THAT THE PATIENT OR THE PATIENT’S FAMILY**
5 **MEMBER OR PERSONAL REPRESENTATIVE DISPOSE OF ANY UNUSED PRESCRIPTION**
6 **MEDICATION IN A SAFE AND LEGAL MANNER IN ACCORDANCE WITH FEDERAL**
7 **ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL DRUG ENFORCEMENT**
8 **ADMINISTRATION GUIDELINES FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.**

9 **(C) IF AUTHORIZED, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE**
10 **SHALL IMMEDIATELY DISPOSE OF A PATIENT’S UNUSED PRESCRIPTION MEDICATION**
11 **AT THE SITE WHERE HOSPICE CARE WAS PROVIDED:**

12 **(1) IN ACCORDANCE WITH FEDERAL ENVIRONMENTAL PROTECTION**
13 **AGENCY AND FEDERAL DRUG ENFORCEMENT ADMINISTRATION GUIDELINES FOR**
14 **THE SAFE DISPOSAL OF PRESCRIPTION DRUGS; AND**

15 **(2) UNDER THE WITNESS OF:**

16 **(I) THE PATIENT OR THE PATIENT’S FAMILY MEMBER OR**
17 **PERSONAL REPRESENTATIVE;**

18 **(II) ANOTHER GENERAL HOSPICE CARE PROGRAM EMPLOYEE;**
19 **OR**

20 **(III) IF NONE OF THE INDIVIDUALS UNDER ITEMS (I) OR (II) OF**
21 **THIS ITEM ARE AVAILABLE, A LOCAL LAW ENFORCEMENT OFFICER.**

22 **(D) (1) THE COLLECTION AND DISPOSAL OF A PATIENT’S UNUSED**
23 **PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE PROGRAM SHALL BE**
24 **DOCUMENTED IN THE PATIENT’S MEDICAL RECORD BY THE GENERAL HOSPICE CARE**
25 **PROGRAM EMPLOYEE WHO CONDUCTED THE COLLECTION AND DISPOSAL.**

26 **(2) THE MEDICAL RECORD SHALL INCLUDE THE FOLLOWING**
27 **INFORMATION:**

28 **(I) THE NAME AND QUANTITY OF EACH UNUSED PRESCRIPTION**
29 **MEDICATION;**

30 **(II) THE NAME OF THE INDIVIDUAL WHO AUTHORIZED THE**
31 **COLLECTION AND DISPOSAL OF THE UNUSED PRESCRIPTION MEDICATION AND THE**
32 **INDIVIDUAL’S RELATIONSHIP TO THE PATIENT;**

1 **(III) THE DATE OF DISPOSAL FOR EACH UNUSED PRESCRIPTION**
2 **MEDICATION;**

3 **(IV) THE NAME OF THE INDIVIDUAL WHO CONDUCTED THE**
4 **COLLECTION AND DISPOSAL; AND**

5 **(V) THE NAME OF THE INDIVIDUAL WHO WITNESSED THE**
6 **DISPOSAL OF UNUSED PRESCRIPTION MEDICATION BY THE EMPLOYEE AS REQUIRED**
7 **UNDER SUBSECTION (C)(2) OF THIS SECTION.**

8 **(3) IF A PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL**
9 **REPRESENTATIVE REFUSES TO AUTHORIZE THE COLLECTION AND DISPOSAL OF THE**
10 **PATIENT'S UNUSED PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE**
11 **PROGRAM, THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL DOCUMENT**
12 **IN THE PATIENT'S MEDICAL RECORD:**

13 **(I) THE REFUSAL TO AUTHORIZE THE COLLECTION AND**
14 **DISPOSAL OF THE PATIENT'S UNUSED PRESCRIPTION MEDICATION; AND**

15 **(II) THE NAME AND QUANTITY OF EACH UNUSED PRESCRIPTION**
16 **MEDICATION NOT SURRENDERED.**

17 **(E) A GENERAL HOSPICE CARE PROGRAM MAY NOT BE HELD LIABLE IN A**
18 **CIVIL OR CRIMINAL ACTION FOR ANY GOOD FAITH ACT OR OMISSION TAKEN IN**
19 **ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2018.**