

Chapter 440

(Senate Bill 232)

AN ACT concerning

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

FOR the purpose of requiring a general hospice care program to establish a written unused prescription medication collection and disposal policy that includes certain provisions; requiring an employee of a general hospice care program to ~~immediately,~~ as soon as practicable, collect and dispose of a certain patient's unused prescription medication under certain circumstances; requiring a certain employee to provide to the patient or patient's family member or personal representative a certain written request for authorizing the collection and disposal of certain medication; prohibiting an employee of a general hospice care program from collecting or disposing of certain medication without a certain written authorization; requiring a certain employee to urge a certain patient or the patient's family member or personal representative to dispose of certain medication in a certain manner under certain circumstances; requiring a certain employee, under certain circumstances, to ~~immediately,~~ as soon as practicable, dispose of certain medication in accordance with certain guidelines and under the witness of certain individuals; requiring that the collection and disposal of certain medication be documented in a patient's medical record; requiring that the medical record include certain information; requiring a certain general hospice program employee to document a certain refusal and certain other information in a certain patient's medical record under certain circumstances; prohibiting a general hospice care program from being held liable in a civil or criminal action under certain circumstances; providing for the application of this Act; and generally relating to the collection and disposal of unused prescription medication by general hospice care programs.

BY adding to

Article – Health – General

Section 19–914

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General**19–914.**

(A) (1) THIS SECTION APPLIES TO A GENERAL HOSPICE CARE PROGRAM ONLY WHEN PROVIDING HOSPICE SERVICES IN AN IN-HOME SETTING.

(2) THIS SECTION DOES NOT APPLY TO A GENERAL HOSPICE CARE PROGRAM WHEN PROVIDING HOSPICE SERVICES IN A NURSING HOME, ASSISTED LIVING FACILITY, OR A GENERAL HOSPICE CARE PROGRAM FACILITY.

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

(1) DISCUSS WITH THE PATIENT AND THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE THE REQUIREMENTS UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION; AND

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

~~(B)~~ (C) (1) IN ACCORDANCE WITH A GENERAL HOSPICE CARE PROGRAM'S POLICY AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL ~~IMMEDIATELY~~, AS SOON AS PRACTICABLE, COLLECT AND DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION ON:

(I) THE DEATH OF THE PATIENT; OR

(II) THE TERMINATION OF A PRESCRIPTION MEDICATION BY THE PATIENT'S PRESCRIBER.

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

(3) A GENERAL HOSPICE CARE PROGRAM EMPLOYEE MAY NOT COLLECT OR DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION UNLESS

THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR REPRESENTATIVE PROVIDES WRITTEN AUTHORIZATION TO THE GENERAL HOSPICE CARE PROGRAM.

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

~~(C)~~ (D) IF AUTHORIZED, A GENERAL HOSPICE CARE PROGRAM EMPLOYEE SHALL ~~IMMEDIATELY~~, AS SOON AS PRACTICABLE, DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION AT THE SITE WHERE HOSPICE CARE WAS PROVIDED:

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

(2) UNDER THE WITNESS OF:

(I) THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR PERSONAL REPRESENTATIVE;

(II) ANOTHER GENERAL HOSPICE CARE PROGRAM EMPLOYEE;

OR

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

~~(D)~~ (E) (1) THE COLLECTION AND DISPOSAL OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION BY THE GENERAL HOSPICE CARE PROGRAM SHALL BE DOCUMENTED IN THE PATIENT'S MEDICAL RECORD BY THE GENERAL HOSPICE CARE PROGRAM EMPLOYEE WHO CONDUCTED THE COLLECTION AND DISPOSAL.

(2) THE MEDICAL RECORD SHALL INCLUDE THE FOLLOWING INFORMATION:

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

(II) THE NAME OF THE INDIVIDUAL WHO AUTHORIZED THE COLLECTION AND DISPOSAL OF THE UNUSED PRESCRIPTION MEDICATION AND THE INDIVIDUAL'S RELATIONSHIP TO THE PATIENT;

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

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2018.