

HOUSE BILL 407

J1

8lr2142
CF SB 232

By: Delegates Cullison, Hayes, Hill, Kipke, Krebs, Morales, Platt, ~~and West West,~~
Carozza, Pendergrass, Bromwell, Angel, Barron, Kelly, McDonough,
Metzgar, Miele, Pena-Melnyk, Rosenberg, Saab, Sample-Hughes, Szeliga,
and K. Young

Introduced and read first time: January 24, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2018

CHAPTER _____

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
7 ~~immediately~~, as soon as practicable, collect and dispose of a certain patient's unused
8 prescription medication under certain circumstances; requiring a certain employee
9 to provide to the patient or patient's family member or personal representative a
10 certain written request for authorizing the collection and disposal of certain
11 medication; prohibiting an employee of a general hospice care program from
12 collecting or disposing of certain medication without a certain written authorization;
13 requiring a certain employee to urge a certain patient or the patient's family member
14 or personal representative to dispose of certain medication in a certain manner under
15 certain circumstances; requiring a certain employee, under certain circumstances, to
16 ~~immediately~~, as soon as practicable, dispose of certain medication in accordance with
17 certain guidelines and under the witness of certain individuals; requiring that the
18 collection and disposal of certain medication be documented in a patient's medical
19 record; requiring that the medical record include certain information; requiring a
20 certain general hospice program employee to document a certain refusal and certain
21 other information in a certain patient's medical record under certain circumstances;
22 prohibiting a general hospice care program from being held liable in a civil or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 criminal action under certain circumstances; providing for the application of this Act;
 2 and generally relating to the collection and disposal of unused prescription
 3 medication by general hospice care programs.

4 BY adding to

5 Article – Health – General

6 Section 19–914

7 Annotated Code of Maryland

8 (2015 Replacement Volume and 2017 Supplement)

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

11 **Article – Health – General**

12 **19–914.**

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

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

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

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

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

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

34 **(i) THE DEATH OF THE PATIENT; OR**

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

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

10 **(3) A GENERAL HOSPICE CARE PROGRAM EMPLOYEE MAY NOT**
11 **COLLECT OR DISPOSE OF A PATIENT'S UNUSED PRESCRIPTION MEDICATION UNLESS**
12 **THE PATIENT OR THE PATIENT'S FAMILY MEMBER OR REPRESENTATIVE PROVIDES**
13 **WRITTEN AUTHORIZATION TO THE GENERAL HOSPICE CARE PROGRAM.**

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

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

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

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

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

31 **(II) ANOTHER GENERAL HOSPICE CARE PROGRAM EMPLOYEE;**
32 **OR**

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.