

# SENATE BILL 232

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CF HB 407

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By: ~~Senator Feldman~~ Senators Feldman, Astle, Benson, Hershey, Jennings, Klausmeier, Mathias, Middleton, Oaks, Reilly, and Rosapepe

Introduced and read first time: January 19, 2018

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2018

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## 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 ~~immediately,~~  
7 as soon as practicable, collect and dispose of a certain patient's unused prescription  
8 medication under certain circumstances; requiring a certain employee to provide to  
9 the patient or patient's family member or personal representative a certain written  
10 request for authorizing the collection and disposal of certain medication; prohibiting  
11 an 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,~~ as soon  
16 as practicable, dispose of certain medication in accordance with certain guidelines  
17 and under the witness of certain individuals; requiring that the collection and  
18 disposal of certain medication be documented in a patient's medical record; requiring  
19 that the medical record include certain information; requiring a certain general  
20 hospice program employee to document a certain refusal and certain other  
21 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  
23 criminal action under certain circumstances; providing for the application of this Act;

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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 and generally relating to the collection and disposal of unused prescription  
2 medication by general hospice care programs.

3 BY adding to

4 Article – Health – General

5 Section 19–914

6 Annotated Code of Maryland

7 (2015 Replacement Volume and 2017 Supplement)

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

10 **Article – Health – General**

11 **19–914.**

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

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

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

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

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

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

33 **(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.