

**HOSPICE AND HOME HEALTH PRESCRIPTION MEDICATION DISPOSAL ACT -
ENACTMENT**

Act of Jun. 28, 2018, P.L. 455, No. 69

Cl. 35

An Act

Providing for the disposal of hospice or home health care patient medication.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Hospice and Home Health Prescription Medication Disposal Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Caregiver." An adult individual who regularly provides personal care to the patient, whether paid or unpaid, or regularly resides in the patient's home. This individual shall not be an employee of the home health agency or hospice that is disposing of the patient's prescription medication.

"Family member." A patient's spouse, parent, adult sibling, adult child or adult grandchild.

"Health care representative." A person who is authorized by law or court order to make health care decisions on behalf of a patient.

"Patient." An individual who is currently receiving care from a home health agency or hospice licensed under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

Section 3. Disposal of unused prescription medication.

(a) Authorization.--A home health agency or hospice is authorized, upon the death or discharge of a patient and with the permission of the patient or the patient's family member, caregiver or health care representative, to accept for disposal a patient's unused prescription medications that were prescribed, dispensed or otherwise used by the patient while under the care of the home health agency or hospice.

(b) Prescription medication disposal policy.--A home health agency or hospice shall:

(1) Establish a written policy setting forth procedures for accepting and disposing of unused prescription medications using the guidelines for the disposal of prescription medication set forth by the Food and Drug Administration.

(2) At the time of admission:

(i) furnish a copy of the written policy to each patient or the patient's health care representative; and

(ii) designate an employee representative who shall discuss the procedures and requirements for surrendering unused prescription medications with the patient or the patient's health care representative.

(c) Surrender of prescription medication.--Unused prescription medications surrendered to a home health agency or hospice under this section shall be surrendered to a nurse employed by the agency.

(d) Disposal of prescription medication.--A nurse accepting the unused prescription medication under this section shall dispose of the medication in the presence of a witness at the

site where care is provided. The nurse may not transport the unused prescription medications off-site for disposal or for any other purpose.

(e) Timing of disposal.--The disposal of a patient's medication shall take place:

- (1) during the final in-home visit by the nurse; or
- (2) within five business days of the death or discharge of the patient, whichever occurs first.

(f) Documentation.--The following shall apply:

(1) A nurse who accepts and disposes of an unused prescription medication under this section shall document all of the following:

(i) The name and quantity of each medication surrendered.

(ii) The name of the person authorizing the surrender and the relationship of the person to the patient.

(iii) The date and method of disposal.

(iv) The name of the person witnessing the disposal.

(2) The person authorizing the surrender of medication shall be provided with the opportunity to review, verify and sign the documentation required under this subsection.

(g) Records.--A home health agency or hospice shall maintain for a period of five years a record of the documentation required under subsection (f).

Section 4. Effective date.

This act shall take effect in 60 days.