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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 978 Session of 2017

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INTRODUCED BY BAKER, FONTANA, ARGALL, YAW, RAFFERTY, GORDNER,  
YUDICHAK, RESCHENTHALER, AUMENT, KILLION, VULAKOVICH, VOGEL,  
WARD, STEFANO, SCARNATI AND WAGNER, DECEMBER 6, 2017

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AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, JUNE 12, 2018

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AN ACT

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

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

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

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

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

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

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

10 Section 3. Disposal of unused prescription medication.

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

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

20 (1) Establish a written policy setting forth procedures  
21 for accepting and disposing of unused prescription  
22 medications USING THE GUIDELINES FOR THE DISPOSAL OF <--  
23 PRESCRIPTION MEDICATION SET FORTH BY THE FOOD AND DRUG  
24 ADMINISTRATION.

25 (2) At the time of admission:

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

28 (ii) designate an employee representative who shall  
29 discuss the procedures and requirements for surrendering  
30 unused prescription medications with the patient or the

1 patient's health care representative.

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

6 (d) Disposal of prescription medication.--A nurse accepting  
7 the unused prescription medication under this section shall  
8 dispose of the medication in the presence of a witness at the  
9 site where care is provided. The nurse may not transport the  
10 unused prescription medications off-site for disposal or for any  
11 other purpose.

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

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

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

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

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

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

26 (iii) The date and method of disposal.

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

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

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

4 Section 4. Effective date.

5 This act shall take effect in 60 days.