

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1919 Session of 2020

INTRODUCED BY MURT, KINSEY, ULLMAN, CIRESI, BOBACK, YOUNGBLOOD,
FREEMAN, PICKETT, McCARTER, GAINNEY AND ROEBUCK, MARCH 4, 2020

REFERRED TO COMMITTEE ON HUMAN SERVICES, MARCH 4, 2020

AN ACT

1 Amending the act of June 28, 2018 (P.L.455, No.69), entitled "An
2 act providing for the disposal of hospice or home health care
3 patient medication," further providing for disposal of unused
4 prescription medication.

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

7 Section 1. Section 3 of the act of June 28, 2018 (P.L.455,
8 No.69), known as the Hospice and Home Health Prescription
9 Medication Disposal Act, is amended to read:

10 Section 3. Disposal of unused or expired prescription
11 medication.

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

1 (1) The patient is deceased and the home health agency
2 or hospice has received the permission of the patient's
3 family member, caregiver or health care representative.

4 (2) The patient has been discharged from the home health
5 agency or hospice and the home health agency or hospice has
6 received the permission of the patient or the patient's
7 family member, caregiver or health care representative.

8 (3) The patient's physician has provided the patient
9 with written instructions directing the patient to cease
10 using the prescription medications.

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

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

18 (2) At the time of admission:

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

21 (ii) designate an employee representative who shall
22 discuss, in a clear and easily understandable manner, the
23 procedures and requirements for surrendering unused or
24 expired prescription medications with the patient or the
25 patient's health care representative.

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

30 (d) Disposal of prescription medication.--A nurse accepting

1 the unused or expired prescription medication under this section
2 shall dispose of the medication in the presence of a witness at
3 the site where care is provided. The nurse may not transport the
4 unused or expired prescription medications off-site for disposal
5 or for any other purpose.

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

8 (1) during the final in-home visit by the nurse; [or]

9 (2) within five business days of the death or discharge
10 of the patient, whichever occurs first[.]; or

11 (3) within five business days of the patient's receipt
12 of written instructions from the patient's physician
13 directing the patient to cease using the medication.

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

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

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

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

23 (iii) The date and method of disposal.

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

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

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

1 Section 2. This act shall take effect in 60 days.