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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 AND SCARNATI, DECEMBER 6, 2017

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REFERRED TO HEALTH AND HUMAN SERVICES, DECEMBER 6, 2017

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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.

17 "Family member." A patient's spouse, parent, adult sibling,

1 adult child or adult grandchild.

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

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

9 Section 3. Disposal of unused prescription medication.

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

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

19 (1) Establish a written policy setting forth procedures  
20 for accepting and disposing of unused prescription  
21 medications.

22 (2) At the time of admission:

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

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

29 (c) Surrender of prescription medication.--Unused  
30 prescription medications surrendered to a home health agency or

1 hospice under this section shall be surrendered to a nurse  
2 employed by the agency.

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

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

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

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

15 (1) A nurse who accepts and disposes of an unused  
16 prescription medication under this section shall document all  
17 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 4. Effective date.

2 This act shall take effect in 60 days.