

SENATE BILL NO. 26

BY SENATOR MILLS

1 AN ACT

2 To enact R.S. 40:2191, relative to disposal of controlled substances by hospice providers;  
3 to provide for ownership; to provide for written procedures; to provide for patient  
4 records; to provide for disposal; to provide for patient notification; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2191 is hereby enacted to read as follows:

8 **§2191. Disposal of deceased patient's unused controlled substances**

9 **A. Upon death of a patient receiving hospice services, ownership of the**  
10 **patient's unused Schedule II, III, IV, or V controlled substances under 21**  
11 **C.F.R. 1308 may transfer to the hospice for immediate disposal pursuant to the**  
12 **following provisions:**

13 **(1) Each hospice shall establish a written procedure to ensure safe**  
14 **disposal of unused controlled substances by a hospice nurse at the time of a**  
15 **patient's death.**

16 **(2) Upon the death of a patient receiving hospice services, in the presence**  
17 **of a witness, the hospice nurse shall record in the medical record the name and**  
18 **quantity of each unused controlled substance.**

19 **(3) The hospice nurse shall conduct immediate disposal of the controlled**  
20 **substance at the site of care by complying with the Environmental Protection**  
21 **Agency and Drug Enforcement Administration guidelines for safe disposal or**  
22 **immediate mail-back to a registered authorized collector pursuant to 21 C.F.R.**  
23 **1317.40.**

24 **(a) If conducting immediate disposal at the site of care, the hospice nurse**  
25 **shall perform the disposal in the presence of a witness, who shall sign a**  
26 **document indicating their witnessing the disposal.**

1                   **(b) If participating in immediate mail-back to a registered authorized**  
 2                   **collector, the hospice nurse shall deposit the unused controlled substance into**  
 3                   **the mail-back envelope and seal the envelope at the site of care. This shall be**  
 4                   **done in the presence of a witness, who shall sign a document indicating their**  
 5                   **witnessing the hospice nurse sealing the controlled substance in the mail-back**  
 6                   **envelope. The hospice nurse shall immediately initiate its delivery to the**  
 7                   **registered authorized collector.**

8                   **(4) Hospice employees shall not remove any controlled substances from**  
 9                   **the site of care, except for the hospice nurse responsible for disposal pursuant**  
 10                  **to Subparagraph (3)(b) of this Subsection.**

11                  **(5) The hospice nurse shall record the method of disposal in the medical**  
 12                  **record.**

13                  **B. A copy of the written policy established pursuant to this Section shall**  
 14                  **be furnished to each patient and to the patient's healthcare representative at the**  
 15                  **time the patient is enrolled in hospice.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_