
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2152 Session of
2018

INTRODUCED BY R. BROWN, BARBIN, BERNSTINE, BOBACK, CHARLTON,
D. COSTA, COX, SCHLEGEL CULVER, DAVIS, DeLUCA, DUSH, GILLEN,
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RYAN, SAYLOR, SCHWEYER, STAATS, STEPHENS, THOMAS, WARD,
WATSON AND ZIMMERMAN, MARCH 26, 2018

REFERRED TO COMMITTEE ON HEALTH, MARCH 26, 2018

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 48 hours of the death or discharge of the
16 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.