

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 234, L.D. 330, "An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery"

Amend the bill by striking out the title and substituting the following:

'An Act To Improve the Process of Disposal of Hospice Medications Used in the Home'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 22 MRSA §8624 is enacted to read:

§8624. Medication disposal

A hospice provider who provides services to a client in the home of the client or the family of the client or another person shall provide a written policy to the client or family as part of developing the care plan. The written policy must include, but is not limited to, the following:

1. Care plan guidance. Clarification of the hospice provider, client and family roles and expectations regarding the prescribing and administering of controlled substances;

2. Safe use and storage. Requirements for management for safe use and storage of controlled substances in the home;

3. Disposal expected. Requirements for documentation that the client's family is expected to safely and appropriately dispose of any medications, especially controlled substances, after the client has died;

4. Safe disposal. Information on safe and environmentally sound disposal of medications;

5. Disposal method. Requirements for return envelopes or disposal kits or any other method of collection or disposal that the pharmacy providing the medication or the hospice provider has provided or recommended to the client and the family that is consistent with Maine Drug Enforcement Agency recommendations and requirements;

1 6. Notice of letter after death. Requirements for advance notice that the hospice
2 provider will send a letter to the client's family after the client has died with a reminder that
3 the family is expected to dispose of medications; and

4 7. Documentation. Requirements for signed documentation, retained by the hospice
5 provider, from the client or family that the written policy has been provided and discussed
6 in a language and manner that the client can understand.

7 The hospice provider shall send a letter to the family within 30 days of the death of the
8 client stating that the family is expected to dispose of any medications with the information
9 on safe and environmentally sound disposal that was provided at the time of developing
10 the care plan.

11 For the purposes of this section, "controlled substances" has the same meaning as in
12 section 7246, subsection 1.

13 **Sec. 2. Division of licensing and certification within the Department of**
14 **Health and Human Services medication disposal policy.** The division of licensing
15 and certification within the Department of Health and Human Services shall establish
16 minimum criteria for the written policy for medication disposal required by hospice
17 providers licensed pursuant to the Maine Revised Statutes, Title 22, chapter 1681 providing
18 services to hospice clients in the home of the client or the client's family. The criteria for
19 the written policy used by hospice providers must comply with the requirements of 42 Code
20 of Federal Regulations, Section 418.106 or any subsequent federal regulations and Title
21 22, section 8624.'

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
23 number to read consecutively.

24 **SUMMARY**

25 This amendment replaces the bill. It requires the Department of Health and Human
26 Services to establish minimum criteria for the written policy for medication disposal that
27 is required for use by hospice providers who provide services in the home. The written
28 policy must include guidance that a care plan may include controlled substances, safe use
29 and storage of controlled substances, documentation that the family is expected to dispose
30 of any medications after the death of the client, information on safe disposal, return
31 envelopes or other appropriate disposal kits and advance notice that the hospice provider
32 will be contacting the family after death with a reminder that the family is expected to
33 dispose of medications. The hospice provider must retain signed documentation that the
34 written policy was provided and discussed. The amendment also requires the hospice
35 provider to send a letter within 30 days of the death of the patient reminding the family of
36 the disposal policy.

37 **FISCAL NOTE REQUIRED**

38 (See attached)



130th MAINE LEGISLATURE

LD 330

LR 939(02)

An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery

Fiscal Note for Bill as Amended by Committee Amendment *(H-348)*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.