

1 INTERIM STUDY PROPOSAL 2015-148

2 State of Arkansas
3 90th General Assembly
4 Regular Session, 2015

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1867

5
6 By: Representative Hammer

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO ESTABLISH A HOSPICE DRUG DISPOSAL
11 PROCEDURE; AND FOR OTHER PURPOSES.

12
13
14 **Subtitle**

15 TO ESTABLISH A HOSPICE DRUG DISPOSAL
16 PROCEDURE.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 *SECTION 1. Arkansas Code Title 20, Chapter 7, is amended to add an*
22 *additional subchapter to read as follows:*

23 *Subchapter 7 – Hospice Drug Disposal*

24
25 *20-7-701. Definitions.*

26 *As used in this subchapter:*

27 *(1) "Controlled substance" means a drug, substance, or immediate*
28 *precursor in Schedules II through V; and*

29 *(2)(A) "Hospice" or "hospice program" means an autonomous,*
30 *centrally administered, medically directed, coordinated program providing a*
31 *continuum of home, outpatient, and homelike inpatient care for the terminally*
32 *ill patient and the patient's family and that employs an interdisciplinary*
33 *team to assist in providing palliative and supportive care to meet the*
34 *special needs arising out of the physical, emotional, spiritual, social, and*
35 *economic stresses that are experienced during the final stages of illness and*
36 *during dying and bereavement.*

1 (B) The care shall be available twenty-four (24) hours a
2 day, seven (7) days a week, and provided on the basis of need, regardless of
3 ability to pay.

4
5 20-7-702. Hospice drug disposal.

6 (a) A hospice or hospice program shall establish policies and
7 procedures for controlled substance drug disposal consistent with state and
8 federal law.

9 (b) Upon the death of a patient of a hospice or hospice program, the
10 staff of the hospice or hospice program shall inform the relatives or heirs
11 of the patient of the policies and procedures for controlled substance drug
12 disposal, including without limitation that:

13 (1) An inventory of the drugs shall be taken and documented; and

14 (2) The disposal of the drugs shall be in a manner that does not
15 affect the environment.

16 (c) The hospice or hospice program shall dispose of any drug if the
17 staff of the hospice or hospice program completes the procedure described in
18 subsection (d) of this section.

19 (d) The staff of the hospice or hospice program shall:

20 (1) Inventory the drugs on a form;

21 (2) Complete appropriate forms to provide to the relatives or
22 heirs, the Division of Pharmacy Services and Drug Control of the Department
23 of Health, the law enforcement officer, and the medical records of the
24 patient; and

25 (3) Either:

26 (A) In the presence of a law enforcement officer, place
27 all drugs for disposal in a tamper-proof evidence bag with a copy of the
28 inventory form and provide the tamper-proof evidence bag to the law
29 enforcement officer for disposal; or

30 (B) Dispose of the controlled substance drug in the
31 presence of a witness by either:

32 (i) An absorbing substance to render the drug non-
33 retrievable or unstable; or

34 (ii) A septic system that is not connected to a
35 municipal water system.

