

1 INTERIM STUDY PROPOSAL 2015-148

2 State of Arkansas

*As Engrossed: H3/17/15*

3 90th General Assembly

# A Bill

4 Regular Session, 2015

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.

## For An Act To Be Entitled

9  
10 AN ACT TO ESTABLISH A HOSPICE DRUG DISPOSAL  
11 PROCEDURE; AND FOR OTHER PURPOSES.

### Subtitle

12  
13  
14  
15 TO ESTABLISH A HOSPICE DRUG DISPOSAL  
16 PROCEDURE.

17  
18  
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:*

#### Subchapter 7 – Hospice Drug Disposal

##### 20-7-701. Definitions.

##### As used in this subchapter:

23  
24  
25  
26  
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.

1           (e) A law enforcement officer or law enforcement agency who receives  
2 the tamper-proof evidence bag shall dispose of surrendered drugs through the  
3 evidence disposal procedures, the utilization of drug take-back collection  
4 points, or statewide prescription drug disposal programs, or any combination  
5 of the procedures or programs.

6           (f)(1) A hospice or hospice program shall maintain current and  
7 accurate records of the receipt and disposition of all drugs surrendered  
8 under subsection (d) of this section.

9           (2) The Division of Pharmacy Services and Drug Control of the  
10 Department of Health may audit periodically the records to ensure accuracy.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

/s/Hammer

Referral requested by: Representative Kim Hammer  
Prepared by: JMB