

2018 Regular Session

SENATE BILL NO. 26

BY SENATOR MILLS

CONTROL DANGER SUBSTANCE. Provides relative to disposal of controlled substances by hospice providers. (8/1/18)

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 shall 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**

1 quantity of each unused controlled substance.

2 (3) The hospice nurse shall conduct immediate disposal of the controlled
3 substance at the site of care by complying with the Environmental Protection
4 Agency and Drug Enforcement Administration guidelines for safe disposal or
5 immediate mail-back to a registered authorized collector pursuant to 21 C.F.R.
6 1317.40.

7 (a) If conducting immediate disposal at the site of care, the hospice nurse
8 shall perform the disposal in the presence of a witness, who shall sign a
9 document indicating their witnessing the disposal.

10 (b) If participating in immediate mail-back to a registered authorized
11 collector, the hospice nurse shall deposit the unused controlled substance into
12 the mail-back envelope and seal the envelope at the site of care. This shall be
13 done in the presence of a witness, who shall sign a document indicating their
14 witnessing the hospice nurse sealing the controlled substance in the mail-back
15 envelope. The hospice nurse shall immediately initiate its delivery to the
16 registered authorized collector.

17 (4) Hospice employees shall not remove any controlled substances from
18 the site of care, except for the hospice nurse responsible for disposal pursuant
19 to Subsection (3)(b) of this Section.

20 (5) The hospice nurse shall record the method of disposal in the medical
21 record.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

Proposed law requires hospice providers to dispose of controlled substances upon the death of the hospice patient by either disposing of them on site or through a sealed mail-back envelope provided by a registered authorized collector by the U.S. Drug Enforcement

Administration.

Proposed law requires the hospice to establish a written policy for the disposal of controlled substances and to inform each hospice patient and the patient's representative of the hospice provider's responsibility to dispose of controlled substances upon the death of the hospice patient.

Effective August 1, 2018.

(Adds R.S. 40:2191)