

By: Holland

H.B. No. 2594

A BILL TO BE ENTITLED

AN ACT

relating to disposal of prescription drugs by hospice service providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 142, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. DISPOSAL OF PRESCRIPTIONS BY HOSPICE SERVICE

PROVIDER

Sec. 142.041. DEFINITION. In this subchapter, "license holder" means a home and community support services agency licensed under this chapter to provide hospice services.

Sec. 142.042. POLICY. (a) A license holder may adopt written policies and procedures related to the disposal of a patient's unused prescription drugs on the patient's death or in other circumstances in which disposal is appropriate.

(b) A license holder that adopts policies and procedures under this section shall:

(1) provide a copy of the policies and procedures to the patient and the patient's family;

(2) discuss the policies and procedures with the patient and the patient's family in a language and manner the patient and patient's family understand; and

(3) document in the patient's clinical record that the policies and procedures were provided and discussed under

1 Subdivisions (1) and (2).

2 Sec. 142.043. EMPLOYEE TRAINING. (a) This section applies  
3 to an employee of a license holder who is a health care professional  
4 licensed under Title 3, Occupations Code.

5 (b) A license holder may provide training to the employees  
6 described by Subsection (a) regarding the secure and responsible  
7 disposal of prescription medications in a manner that discourages  
8 abuse, misuse, or diversion.

9 Sec. 142.044. AUTHORIZED DISPOSAL. (a) If the license  
10 holder has complied with Section 142.042(b) with respect to a  
11 patient, a health care professional employee who has completed the  
12 training under Section 142.043(b) may confiscate and dispose of a  
13 patient's prescription drug if:

14 (1) the patient has died;

15 (2) the drug has expired; or

16 (3) the patient's physician has given written  
17 instructions that the patient should no longer use the drug.

18 (b) The employee confiscating the drug shall dispose of the  
19 drug in a manner consistent with recommendations of the United  
20 States Food and Drug Administration and the laws of this state.

21 (c) The disposal of a drug under this section must occur at  
22 the location at which the drug was confiscated and be witnessed by  
23 another employee of the license holder.

24 (d) After disposing of the drug, the employee shall document  
25 in the patient's record:

26 (1) the name of the drug;

27 (2) the dosage of the drug the patient was receiving;

1           (3) the route of drug administration;

2           (4) the quantity of the drug originally dispensed and  
3 the quantity of the drug remaining; and

4           (5) the time, date, and manner of disposal.

5           (e) An employee shall document in a patient's file if a  
6 family member of the patient prevented the confiscation and  
7 disposal of a prescription drug as authorized under this section.

8           SECTION 2. This Act takes effect September 1, 2019.