

SUBJECT: Allowing hospice providers to dispose of certain prescription drugs

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — S. Thompson, Wray, Allison, Coleman, Frank, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

1 absent — Guerra

WITNESSES: For — Larry Farrow, Texas and New Mexico Hospice Organization; Candy Golden; (*Registered, but did not testify:* Sarah Mills, Texas Association for Home Care and Hospice; Dan Finch, Texas Medical Association; Maxcine Tomlinson, Texas and New Mexico Hospice Organization)

Against — None

On — (*Registered, but did not testify:* Diana Conces, Health and Human Services Commission)

BACKGROUND: Health and Safety Code ch. 142 governs licensed home and community support services agencies, which provide home health, hospice, habilitation, or personal assistance services for compensation or other consideration in a client's residence, an independent living environment, or another appropriate location.

Some observers note that unused prescription medication can lead to drug abuse if the drugs are not disposed properly.

DIGEST: CSHB 2594 would allow licensed home and community support services agencies that provide hospice care to adopt written protocols regarding the disposal of a patient's unused controlled substance prescription drugs under certain circumstances. If a licensed agency adopted protocols, it would have to:

- provide a copy to and discuss the protocols with the patient and the patient's family in a language and manner they understand; and
- document in the patient's clinical record that those protocols were provided and discussed.

The bill would allow health professionals who received training on the secure disposal of drugs and complied with the bill's provisions to confiscate and dispose of the patient's drug if the patient had died, if the drug had expired, or if the patient's physician gave written instructions that the patient should no longer use the drug.

Under the bill, the disposal would have to occur at the location at which the drug was confiscated, be witnessed by another person who was at least 18 years old, and take place in a manner consistent with U.S. Food and Drug Administration recommendations and state law.

After the disposal occurred, the bill would require the health professional to document certain information in the patient's record, including:

- the name of the drug;
- the dosage the patient was receiving;
- the route of controlled substance prescription drug administration;
- the quantity originally dispensed and remaining quantity; and
- the time, date, and manner of disposal;

An employee also would document in a patient's file if a patient's family member prevented the confiscation and disposal of the drug.

The bill would take effect September 1, 2019.