



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0130

Introduced 1/10/2005, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

New Act

Creates the Home Health and Hospice Drug Dispensation and Administration Act. Allows home health agencies, hospices, and their authorized nursing employees to purchase, store, or transport certain drugs for the purpose of administering the drugs to home health agency and hospice patients. Requires an agency or hospice that purchases, stores, or transports these drugs to establish policies and procedures concerning proper storage, transportation, temperature stability, removal from container on physician's order, administration of the drug, and the maintenance of written records. Provides that an agency, hospice, or authorized nursing employee may administer the drug only in the patient's residence under physician's orders. Sets forth procedures for agency and hospice handling of physician oral orders and pharmacy dispensation of the drugs. Provides that upon a home health agency's administration or dispensation of a drug to a patient, that agency shall be reimbursed the cost of the drug by the Department of Public Aid. Effective immediately.

LRB094 05160 RAS 35201 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Home
5 Health and Hospice Drug Dispensation and Administration Act.

6 Section 5. Legislative intent. The General Assembly
7 intends to protect the home health care and hospice services
8 consumer by allowing qualified registered nurses in the home
9 health and hospice professions to have certain legend drugs
10 readily available when a consumer may require their use.

11 Section 10. Definitions. In this Act:

12 "Authorized nursing employee" means a registered nurse,
13 advanced practice nurse, or registered professional nurse, as
14 defined in the Nursing and Advanced Practice Nursing Act, who
15 is employed by a home health agency or hospice licensed in this
16 State.

17 "Home health agency" has the meaning ascribed to it in
18 Section 2.04 of the Home Health Agency Licensing Act.

19 "Hospice" means a full hospice, as defined in Section 3 of
20 the Hospice Program Licensing Act.

21 Section 15. Possession of sterile water or saline. A home
22 health agency, hospice, or authorized nursing employee of an
23 agency or hospice may purchase, store, or transport the
24 following for the purpose of administering to the agency's or
25 hospice's patients under physician's orders:

26 (1) sterile water for injection and irrigation; and

27 (2) sterile saline for injection and irrigation.

28 Section 20. Possession of certain drugs.

29 (a) A home health agency, hospice, or authorized nursing

1 employee of an agency or hospice, in compliance with this
2 Section, may purchase, store, or transport the following
3 dangerous drugs for the purpose of administering to the
4 agency's or hospice's patients:

5 (1) Sterile saline in a sealed portable container of a
6 size determined by the dispensing pharmacist.

7 (2) Not more than 5 dosage units of any of the
8 following items in an individually sealed, unused portable
9 container:

10 (A) Heparin sodium lock flush in a concentration of
11 10 units per milliliter or 100 units per milliliter.

12 (B) Epinephrine HCl solution in a concentration of
13 1 to 1,000.

14 (3) Not more than 2 dosage units of Diphenhydramine
15 (Benadryl) 50 milligrams intravenously for treating
16 allergic reactions in an individually sealed, unused
17 portable container, clearly labeled, and placed in a
18 protective carrier. This is not to be used in a pediatric
19 population.

20 Section 25. Proper procedures.

21 (a) A home health agency, hospice, or authorized nursing
22 employee of an agency or hospice may purchase, store, or
23 transport dangerous drugs in a sealed portable container under
24 this Act only if the agency or hospice has established policies
25 and procedures to ensure that:

26 (1) the container is handled properly with respect to
27 storage, transportation, and temperature stability;

28 (2) a drug is removed from the container only on a
29 physician's written or oral order;

30 (3) the administration of any drug in the container is
31 performed in accordance with a specific treatment
32 protocol; and

33 (4) the agency or hospice maintains a written record of
34 the dates and times the container is in the possession of
35 an authorized nursing employee.

1 (b) A home health agency, hospice, or authorized nursing
2 employee of an agency or hospice who administers a drug listed
3 in subsection (a) of this Section may administer the drug only
4 in the patient's residence under physician's orders in
5 connection with the provision of emergency treatment or the
6 adjustment of parenteral drug therapy.

7 (c) If a home health agency, hospice, or authorized nursing
8 employee of an agency or hospice administers a drug listed in
9 subsection (a) of this Section pursuant to a physician's oral
10 order, the physician shall promptly send a signed copy of the
11 order to the agency or hospice and the agency or hospice shall:

12 (1) reduce the order to written form and send a copy of
13 the form to the dispensing pharmacy by mail or facsimile
14 transmission, not later than 24 hours after receipt of the
15 order; and

16 (2) send a copy of the order as signed by and received
17 from the physician to the dispensing pharmacy, not later
18 than 20 days after receipt of the order.

19 (d) A pharmacist that dispenses a sealed portable container
20 under this Section shall ensure that the container:

21 (1) Is designed to allow access to the contents of the
22 container only if a tamper-proof seal is broken.

23 (2) Bears a label that lists the drugs in the container
24 and provides notice of the container's expiration date,
25 which is the earlier of:

26 (A) the date that is 6 months after the date on
27 which the container is dispensed; or

28 (B) the earliest expiration date of any drug in the
29 container.

30 (3) Remains in the pharmacy or under the control of a
31 pharmacist, registered nurse, advanced practice nurse, or
32 registered professional nurse.

33 (e) If a home health agency, hospice, or authorized
34 employee of an agency or hospice purchases, stores, or
35 transports a sealed portable container under this Section, the
36 agency or hospice shall deliver the container to the dispensing

1 pharmacy for verification of drug quality, quantity,
2 integrity, and expiration dates not later than the earlier of:

3 (1) the 7th day after the date in which the seal on the
4 container is broken; or

5 (2) the date for which notice is provided on the
6 container label.

7 (f) A pharmacy that dispenses a sealed portable container
8 under this Section shall take reasonable precautionary
9 measures to ensure that the home health agency or hospice
10 receiving the container complies with subsection (e) of this
11 Section. Upon receipt of a container under subsection (e), the
12 pharmacy shall perform an inventory of the drugs used from the
13 container and shall restock and reseal the container before
14 delivering the container to the agency or hospice for reuse.

15 Section 30. Reimbursement. Upon actual drug dispensation
16 or administration under this Act, a home health agency that
17 dispenses or administers a drug to its patient shall be
18 reimbursed by the Department of Public Aid for the cost of the
19 drug used.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.