

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
H.P. 234 - L.D. 330

**An Act To Improve the Process of Disposal of Hospice Medications Used in the Home**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 22 MRSA §8624** is enacted to read:

**§8624. Medication disposal**

A hospice provider who provides services to a client in the home of the client or the family of the client or another person shall provide a written policy to the client or family as part of developing the care plan. The written policy must include, but is not limited to, the following:

**1. Care plan guidance.** Clarification of the hospice provider, client and family roles and expectations regarding the prescribing and administering of controlled substances;

**2. Safe use and storage.** Requirements for management for safe use and storage of controlled substances in the home;

**3. Disposal expected.** Requirements for documentation that the client's family is expected to safely and appropriately dispose of any medications, especially controlled substances, after the client has died;

**4. Safe disposal.** Information on safe and environmentally sound disposal of medications;

**5. Disposal method.** Requirements for return envelopes or disposal kits or any other method of collection or disposal that the pharmacy providing the medication or the hospice provider has provided or recommended to the client and the family that is consistent with Maine Drug Enforcement Agency recommendations and requirements;

**6. Notice of letter after death.** Requirements for advance notice that the hospice provider will send a letter to the client's family after the client has died with a reminder that the family is expected to dispose of medications; and

**7. Documentation.** Requirements for signed documentation, retained by the hospice provider, from the client or family that the written policy has been provided and discussed in a language and manner that the client can understand.

The hospice provider shall send a letter to the family within 30 days of the death of the client stating that the family is expected to dispose of any medications with the information on safe and environmentally sound disposal that was provided at the time of developing the care plan.

For the purposes of this section, "controlled substances" has the same meaning as in section 7246, subsection 1.

**Sec. 2. Division of licensing and certification within the Department of Health and Human Services medication disposal policy.** The division of licensing and certification within the Department of Health and Human Services shall establish minimum criteria for the written policy for medication disposal required by hospice providers licensed pursuant to the Maine Revised Statutes, Title 22, chapter 1681 providing services to hospice clients in the home of the client or the client's family. The criteria for the written policy used by hospice providers must comply with the requirements of 42 Code of Federal Regulations, Section 418.106 or any subsequent federal regulations and Title 22, section 8624.