SPONSOR: Sen. Hall-Long & Rep. Q. Johnson
Sens. Bushweller, Ennis, Henry, Sokola; Reps. Barbieri, Dukes, Jaques, Scott, Wilson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 119

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE REGULATION OF HOSPICES AND TO THE UNIFORM CONTROLLED SUBSTANCES ACT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§122. Powers and Duties of the Department of Health and Social Services.

(m) Establish standards for quality assurance in the operation of hospice programs, which shall include, but not be limited to establishing and implementing standardized protocol with respect to the safe disposal of unused prescription medication following the death of an in-home hospice patient, and control the practice of such programs. Upon receipt of an application for license and the application fee of $100, the Department shall issue a license if the hospice meets requirements established under this chapter. A license, unless sooner suspended or revoked, shall be renewed annually upon filing by the licensee and payment of an annual licensure fee of $50. A provisional license, as authorized by the Department, shall be issued when health requirements are not met and a licensure fee of $50 has been submitted. A hospice which has been issued a provisional license shall resubmit the application fee for reinspection prior to the issuance of an annual license;

Section 2. Amend Chapter 47, Title 16 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§4739A. Practitioners.

Except for pharmacies and persons licensed, registered, or otherwise authorized to conduct research, no practitioner shall dispense controlled substances beyond the amount deemed medically necessary for a 72 hour supply.

§4798. The Delaware Prescription Monitoring Program. [Effective upon provision of funding; see 77 Del. Laws, c. 396, §3]

~~(5) "Distribute" or "distribution" means the delivery of a drug other than by administering or dispensing.~~

(b) (5) "Dispenser" means a person authorized by this State to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following: a licensed health care facility pharmacy that dispenses, distributes or administers any controlled substance, or drug monitored by the program, for the purposes of in-patient care or emergency department care.

(d) A dispenser including those dispensing an amount deemed medically necessary for a 72 hour supply, shall submit the required information regarding each prescription dispensed for a controlled substance, in accordance with the transmission methods and frequency established by regulation issued by the Office of Controlled Substances. When needed for bona fide research purposes and in accordance with applicable regulation, the Office of Controlled Substances may require a dispenser to submit the required information regarding each prescription dispensed for a drug of concern, but in no event should dispensers be required to submit such information any more frequently than that required for controlled substances. The following information shall be submitted for each prescription:

SYNOPSIS

This bill addresses the prescription drug abuse epidemic in Delaware by promoting safe disposal of prescription drugs by hospice programs and their clients. This bill will require the Department of Health and Social Services to establish and implement uniform protocol for all hospice programs operating in Delaware for the safe disposal of unused medication upon the death or discharge of an in-home hospice patient. This bill also prohibits non-pharmacy practitioners from dispensing controlled substances beyond a 72 hour emergency supply and requires practitioners who dispense the permitted quantity to enter the data into the prescription monitoring program.

Author: Senator Hall-Long