

**SB0070**



**94TH GENERAL ASSEMBLY**

**State of Illinois**

**2005 and 2006**

**SB0070**

Introduced 1/26/2005, by Sen. William R. Haine

**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 an 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 04158 RAS 34180 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 an 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 an 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 an 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 an authorized nursing  
2 employee of an agency or hospice, who administers a drug listed  
3 in paragraph (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 an authorized  
8 nursing employee of an agency or hospice administers a drug  
9 listed in paragraph (a) of this Section pursuant to a  
10 physician's oral order, the physician shall promptly send a  
11 signed copy of the order to the agency or hospice and the  
12 agency or hospice shall:

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

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

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

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

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

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

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

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

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

1 agency or hospice shall deliver the container to the dispensing  
2 pharmacy for verification of drug quality, quantity,  
3 integrity, and expiration dates not later than the earlier of:

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

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

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

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

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