



State of Louisiana

Louisiana Department of Health
Health Standards Section

June 25, 2018

Memo

To: LDH-HSS Licensed Hospice Providers

From: Cecile D. Castello, RN, BSN, Director

Subject: 2018 Regular Legislative Session, Act 23 re: Disposal of deceased patient's unused controlled substances

In accordance with Act 23 of the 2018 Regular Legislative Session, the LDH-Health Standards Section (HSS) is issuing this notice to all licensed hospice providers.

Effective August 1, 2018, **Act 23 amends and reenacts La RS 40:2191** relative to disposal of controlled substances by **hospice providers**; to provide for ownership; to provide for written procedures; to provide for patient records; to provide for disposal; to provide for patient notification; and to provide for related matters.

Effective August 1, 2018, the department's **expectation is that all licensed hospice providers shall be in compliance with La RS 40:2191**. The following is provided for your information:

LA RS 40:2191. Disposal of deceased patient's unused controlled substances

A. Upon death of a patient receiving hospice services, ownership of the patient's unused Schedule II, III, IV, or V controlled substances under 21 C.F.R. 1308 may transfer to the hospice for immediate disposal pursuant to the following provisions:

- (1) Each hospice shall establish a written procedure to ensure safe disposal of unused controlled substances by a hospice nurse at the time of a patient's death.
- (2) Upon the death of a patient receiving hospice services, in the presence of a witness, the hospice nurse shall record in the medical record the name and quantity of each unused controlled substance.
- (3) The hospice nurse shall conduct immediate disposal of the controlled substance at the site of care by complying with the Environmental Protection Agency and Drug Enforcement Administration guidelines for safe disposal or immediate mail-**back to a**

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registered authorized collector pursuant to 21 C.F.R. 1317.40. (a) If conducting immediate disposal at the site of care, the hospice nurse shall perform the disposal in the presence of a witness, who shall sign a document indicating their witnessing the disposal.¹ (b) If participating in immediate mail-back to a registered authorized collector, the hospice nurse shall deposit the unused controlled substance into the mail-back envelope and seal the envelope at the site of care. This shall be done in the presence of a witness, who shall sign a document indicating their witnessing the hospice nurse sealing the controlled substance in the mail-back envelope. The hospice nurse shall immediately initiate its delivery to the registered authorized collector.

(4) Hospice employees shall not remove any controlled substances from the site of care, except for the hospice nurse responsible for disposal pursuant to Subparagraph (3)(b) of this Subsection.

(5) The hospice nurse shall record the method of disposal in the medical record.

B. A copy of the written policy established pursuant to this Section shall be furnished to each patient and to the patient's healthcare representative at the time the patient is enrolled in hospice.

If you have any questions regarding your responsibility related to this notice, please contact the LDH-HSS Hospice Program Desk at (225) 342-6446.

Thank you.