

**HOUSE . . . . . No. 4686**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act RELATIVE PRESCRIPTION DRUG WASTE..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section  
2   25I, as appearing in the 2008 Official Edition, and inserting in place thereof the following  
3   section:-

4           Section 25I. The department, in conjunction with the board of registration in pharmacy  
5   and the division of medical assistance, shall establish and implement methods to reduce  
6   medication waste in facilities licensed by the departments of public health, mental health and  
7   corrections. The department shall establish such methods, based on its review, that are  
8   determined to be effective in reducing waste without imposing unreasonable costs on the health  
9   care delivery system. Such methods may be based on, but not be limited to, the following: (1)  
10   current technology, standards and reimbursement mechanisms for dispensing and distributing  
11   medications to facilities; (2) other states' requirements for limiting prescription drug waste and  
12   any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of  
13   patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to

14 prevent the creation of prescription drug waste. The department shall promulgate regulations to  
15 implement this section.

16 SECTION 2. The fifth paragraph of section 70E of said chapter 111, as so appearing, is  
17 hereby amended by adding the following subsection:-

18 (p) to obtain from the facility in charge of the patient's care, upon discharge, any bulk  
19 medications that were prescribed for the patient during the patient's stay including, but not  
20 limited to, aerosol inhalers, topical products such as creams and powders eye drops, insulins and  
21 special order items, provided that any such items are patient specific and personal and would not  
22 otherwise be used in the treatment of another patient. Upon discharge from the hospital, these  
23 bulk items shall be considered the personal property of the patient and at the prescribing  
24 physician's discretion may include in discharge orders that the patient be provided with the  
25 specific bulk products that were used in the hospital with use directions. The department shall  
26 promulgate regulations to implement this section.

27 SECTION 3. The department of public health, in consultation with the board of  
28 registration in pharmacy shall, as shall provide to the joint committee on health care financing  
29 and the joint committee on public health, on or before April 1, 2011 a report and legislative  
30 recommendations relative to issues of implementation of the programs established under  
31 subsection p of section 70E of chapter 111 and section 25I of chapter 111, including, but not  
32 limited to: savings and costs related to the implementation of the programs established and  
33 recommendations related to penalties for violations of subsection p of section 70E of chapter 111  
34 and section 25I of chapter 111.