S.108 - Rep. McFaun amendment regarding unused prescription drugs

Sec. X. 18 V.S.A. § 5283(a) is amended to read:

   (a) A physician shall not be subject to any civil or criminal liability or professional disciplinary action if the physician prescribes to a patient with a terminal condition medication to be self-administered for the purpose of hastening the patient's death and the physician affirms by documenting in the patient's medical record that all of the following occurred:

* * *

   (12) The physician wrote the prescription no fewer than 48 hours after the last to occur of the following events:

      (A) the patient's written request for medication to hasten his or her death;

      (B) the patient's second oral request; or

      (C) the physician's offering the patient an opportunity to rescind the request.

   (13) Prior to writing the prescription, the physician requested and obtained from the patient the name and contact information of an expressly identified representative of the patient who would be assuming responsibility for the safe disposal of any unused medication prescribed pursuant to this chapter, and the physician provided information to the representative regarding safe disposal of the medication, as well as a form for the representative to complete after the patient's death and a pre-addressed, postage-paid envelope for the representative to use to return the form to the Department of Health.

(13)(14) The physician either:

(A) dispensed the medication directly, provided that at the time the physician dispensed the medication, he or she was licensed to dispense medication in Vermont, had a current Drug Enforcement Administration certificate, and complied with any applicable administrative rules; or

(B) with the patient's written consent:

(i) contacted a pharmacist and informed the pharmacist of the prescription; and

(ii) delivered the written prescription personally or by mail or facsimile to the pharmacist, who dispensed the medication to the patient, the physician, or an expressly identified agent of the patient.

(14)(15) The physician recorded and filed the following in the patient's medical record:

* * *

(15)(16) After writing the prescription, the physician promptly filed a report with the Department of Health documenting completion of all of the requirements under this section, including the name and contact information of the expressly identified representative of the patient who would be contacting the Department after the patient's death to attest to the safe disposal of any unused medication prescribed pursuant to this chapter.

Sec. Y. 18 V.S.A. § 5291 is amended to read:

§ 5291. SAFE DISPOSAL OF UNUSED MEDICATIONS

(a) The Department of Health shall adopt rules providing for the safe disposal of unused medications prescribed under this chapter.

(b) The expressly identified representative of a patient who was prescribed medication pursuant to this chapter shall assume responsibility for the safe disposal of any unused medication remaining after the patient's death in accordance with the rules adopted by the Department of Health. Within 10 calendar days following the death of the patient, the representative shall mail to the Department of Health the safe disposal of medication form provided to the patient or the representative by the prescribing physician.   If the patient self-administered the entire dose of the medication prescribed, the representative shall indicate on the form that all of the medication was consumed and no medication remains for disposal. If the patient died prior to self-administering the medication or the patient did self-administer the medication but did not consume the entire amount dispensed, the representative shall describe the manner in which the unused medication or unused portion of the medication was disposed of, and shall attest that the unused medication was disposed of safely. If the Department of Health does not receive the safe disposal of unused medication form within 15 days following the patient's date of death, the Department shall contact the representative to determine the status of any unused medication.