

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 patient by allowing authorized nursing employees in the home
9 health and hospice professions to have specified drugs readily
10 available when a patient may require their use.

11 Section 10. Definitions. In this Act:

12 "Authorized nursing employee" means a registered nurse or
13 advanced practice nurse, as defined in the Nursing and Advanced
14 Practice Nursing Act, who is employed by a home health agency
15 or hospice licensed in this State.

16 "Home health agency" has the meaning ascribed to it in
17 Section 2.04 of the Home Health Agency Licensing Act.

18 "Hospice" means a full hospice, as defined in Section 3 of
19 the Hospice Program Licensing Act.

20 "Physician" means a physician licensed under the Medical
21 Practice Act of 1987 to practice medicine in all its branches.

22 Section 15. Purchase of specified drugs. A home health
23 agency or hospice may purchase sealed portable containers of
24 drugs specified in Section 20 of this Act pursuant to a
25 prescription from its medical director who is a physician or
26 from a physician for the purpose of administration to the
27 agency's or hospice's patients under the patient's treating
28 physician's orders.

29 Section 20. Possession of specified drugs.

1 (a) A home health agency, hospice, or authorized nursing
2 employee of an agency or hospice, in compliance with this
3 Section, may possess or transport the following specified drugs
4 in a sealed portable container for the purpose of
5 administration to the agency's or hospice's patients pursuant
6 to the patient's treating physician's orders:

7 (1) Sterile saline in a sealed portable container of a
8 size determined by the dispensing pharmacist.

9 (2) Sterile water.

10 (3) Not more than 5 dosage units of any of the
11 following items in an individually sealed, unused portable
12 container:

13 (A) Heparin sodium lock flush in a concentration of
14 10 units per milliliter or 100 units per milliliter.

15 (B) Epinephrine HCl solution in a concentration of
16 one to 1,000.

17 (4) Not more than 2 dosage units of Diphenhydramine
18 (Benadryl) 50 milligrams intravenously in an individually
19 sealed, unused portable container, clearly labeled, and
20 placed in a protective carrier.

21 Section 25. Proper procedures.

22 (a) A home health agency, hospice, or authorized nursing
23 employee of an agency or hospice may purchase, possess, or
24 transport drugs listed in Section 20 of this Act in a sealed
25 portable container only if the agency or hospice has
26 established policies and procedures to ensure that:

27 (1) the container is handled properly with respect to
28 storage, transportation, and temperature stability;

29 (2) a drug is removed from the container only on a
30 physician's written or oral order;

31 (3) the administration of any drug in the container is
32 performed in accordance with a specific treatment
33 protocol; and

34 (4) the agency or hospice maintains a written signature
35 record of the dates and times the container is in the

1 possession of an authorized nursing employee.

2 (b) An authorized nursing employee of an agency or hospice
3 who administers a drug listed in Section 20 of this Act may
4 administer the drug only in the patient's residence under a
5 treating physician's orders in connection with the provision of
6 emergency treatment or the adjustment of parenteral drug
7 therapy.

8 (c) When an authorized nursing employee of an agency or
9 hospice administers a drug listed in Section 20 of this Act
10 pursuant to a treating physician's oral order, the authorized
11 nursing employee or the agency or hospice shall reduce the
12 order to written form and send this written confirmation to the
13 patient's treating physician by mail or facsimile
14 transmission, not later than 24 hours after receipt of the
15 order.

16 (d) A pharmacist who dispenses a sealed portable container
17 under Section 20 of this Act shall ensure that the container:

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

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

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

25 (B) the earliest expiration date of any drug in the
26 container.

27 (e) A pharmacy that dispenses a sealed portable container
28 under this Act shall provide written instructions and counsel
29 the authorized nursing employee of a home health agency or
30 hospice on the safe storage, transportation, and temperature
31 stability of the contents of the sealed container.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.