

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 "Health care professional" means a physician licensed to  
17 practice medicine in all its branches, an advanced practice  
18 nurse who has a written collaborative agreement with a  
19 collaborating physician that authorizes services under this  
20 Act, or a physician assistant who has been delegated the  
21 authority to perform services under this Act by his or her  
22 supervising physician.

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

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

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

29 Section 15. Purchase of specified drugs. A home health  
30 agency or hospice may purchase sealed portable containers of

1 drugs specified in Section 20 of this Act pursuant to a  
2 prescription from its medical director who is a physician or  
3 from a health care professional for the purpose of  
4 administration to the agency's or hospice's patients under the  
5 patient's treating health care professional's orders.

6 Section 20. Possession of specified drugs.

7 (a) A home health agency, hospice, or authorized nursing  
8 employee of an agency or hospice, in compliance with this  
9 Section, may possess or transport the following specified drugs  
10 in a sealed portable container for the purpose of  
11 administration to the agency's or hospice's patients pursuant  
12 to the patient's treating health care professional's orders:

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

15 (2) Sterile water.

16 (3) Not more than 5 dosage units of any of the  
17 following items in an individually sealed, unused portable  
18 container:

19 (A) Heparin sodium lock flush in a concentration of  
20 10 units per milliliter or 100 units per milliliter.

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

23 (4) Not more than 2 dosage units of Diphenhydramine  
24 (Benadryl) 50 milligrams intravenously in an individually  
25 sealed, unused portable container, clearly labeled, and  
26 placed in a protective carrier.

27 Section 25. Proper procedures.

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

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

1 (2) a drug is removed from the container only on a  
2 health care professional's written or oral order;

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

6 (4) the agency or hospice maintains a written signature  
7 record of the dates and times the container is in the  
8 possession of an authorized nursing employee.

9 (b) An authorized nursing employee of an agency or hospice  
10 who administers a drug listed in Section 20 of this Act may  
11 administer the drug only in the patient's residence under a  
12 treating health care professional's orders in connection with  
13 the provision of emergency treatment or the adjustment of  
14 parenteral drug therapy.

15 (c) When an authorized nursing employee of an agency or  
16 hospice administers a drug listed in Section 20 of this Act  
17 pursuant to a treating health care professional's oral order,  
18 the authorized nursing employee or the agency or hospice shall  
19 reduce the order to written form and send this written  
20 confirmation to the patient's treating health care  
21 professional by mail or facsimile transmission, not later than  
22 24 hours after receipt of the order.

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

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

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

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

32 (B) the earliest expiration date of any drug in the  
33 container.

34 (e) A pharmacy that dispenses a sealed portable container  
35 under this Act shall provide written instructions and counsel  
36 the authorized nursing employee of a home health agency or

1 hospice on the safe storage, transportation, and temperature  
2 stability of the contents of the sealed container.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.