

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Home Health and Hospice Drug Dispensation and Administration Act.

Section 5. Legislative intent. The General Assembly intends to protect the home health care and hospice services patient by allowing authorized nursing employees in the home health and hospice professions to have specified drugs readily available when a patient may require their use.

Section 10. Definitions. In this Act:

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

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

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

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

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

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

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

Section 20. Possession of specified drugs.

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

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

(2) Sterile water.

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

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

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

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

Section 25. Proper procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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