

February 18, 1998

**ENGROSSED
SENATE BILL No. 251**

DIGEST OF SB 251 (Updated February 17, 1998 1:43 pm - DI 77)

Citations Affected: IC 16-25; IC 16-27; IC 16-29.

Synopsis: Possession of drugs by certain providers. Provides that an employee of a home health agency or hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport certain drugs for the purpose of administering the drugs to a home health patient or hospice patient of the home health agency or hospice. Requires that all drugs must be administered under the order of a licensed physician. Provides safeguards for purchasing,
(Continued next page)

Effective: July 1, 1998.

**Riegsecker, Landske, Skillman,
Gard, K. Adams**
(HOUSE SPONSORS — C. BROWN, BECKER)

January 8, 1998, read first time and referred to Committee on Health and Environmental Affairs.
January 29, 1998, amended, reported favorably — Do Pass.
February 2, 1998, read second time, amended, ordered engrossed. Engrossed.
February 3, 1998, read third time, passed. Yeas 50, nays 0.
HOUSE ACTION
February 10, 1998, read first time and referred to Committee on Public Health.
February 17, 1998, amended, reported — Do Pass.

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Digest Continued

storing, and transporting vaccines. Allows an employee of a home health agency or hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse to administer a vaccine to the employees of the home health agency or hospice, to the home health patients and hospice patients of the home health agency or hospice, and to the patients' family members under the order of a licensed physician. Imposes certain safeguards to make containers in which drugs are purchased, stored, or transported tamperproof. Requires a hospice or home health agency to establish written policies and procedures to ensure that the hospice or home health agency requires an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the hospice or home health agency in writing. Provides that certain drugs may be administered to a home health patient or hospice patient of a home health agency or hospice only in the patient's residence in connection with the provision of emergency treatment or the adjustment of parenteral drug therapy or vaccine administration. Requires that a licensed physician's oral order for administering a drug to a home health patient or hospice patient of a home health agency or hospice must be promptly reduced to writing, a signed copy of which must be sent to the home health agency or hospice. Requires the home health agency or hospice to send a copy of the signed order to the dispensing pharmacy within 20 days after receiving the signed order.

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February 18, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED SENATE BILL No. 251

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-25-2 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]:

4 **Chapter 2. Possession of Certain Drugs and Other Health Care**
5 **Items**

6 **Sec. 1. An employee of a hospice who is a licensed pharmacist,**
7 **registered nurse, or licensed practical nurse may purchase, store,**
8 **or transport for administering to a hospice patient or home health**
9 **patient under the order of a licensed physician the following:**

10 (1) Sterile water for injection and irrigation.

11 (2) Sterile saline for injection and irrigation.

12 **Sec. 2. (a) An employee of a hospice who is a licensed**
13 **pharmacist, registered nurse, or licensed practical nurse may**
14 **purchase, store, or transport a vaccine in order to administer the**
15 **vaccine to:**

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1 (1) the hospice's employees or a hospice patient or home
 2 health patient; or
 3 (2) family members of a patient;
 4 under the order of a licensed physician.

5 (b) An employee described in subsection (a) who purchases,
 6 stores, or transports a vaccine under this section must ensure that
 7 a standing order for the vaccine:

- 8 (1) is signed and dated by a licensed physician;
 9 (2) identifies the vaccine covered by the order;
 10 (3) indicates that appropriate procedures are established for
 11 responding to any adverse reaction to the vaccine; and
 12 (4) directs that a specific medication or category of
 13 medication be administered if a recipient has an adverse
 14 reaction to the vaccine.

15 **Sec. 3. An employee of a hospice who is a licensed pharmacist,
 16 registered nurse, or licensed practical nurse may purchase, store,
 17 or transport the following drugs in order to administer to a
 18 hospice patient or home health patient, in accordance with section
 19 5 of this chapter:**

- 20 (1) Any of the following items in a sealed portable container
 21 in a size determined by the dispensing pharmacist:
 22 (A) up to one thousand (1,000) milliliters of nine-tenths of
 23 one percent (0.9%) sodium chloride intravenous infusion.
 24 (B) up to one thousand (1,000) milliliters of five percent
 25 (5%) dextrose in water injection.
 26 (2) Not more than five (5) dosage units of each of the following
 27 items, each in an individually sealed, unused container:
 28 (A) Heparin sodium lock flush in a concentration of ten
 29 (10) units per milliliter, one hundred (100) units per
 30 milliliter, or one thousand (1,000) units per milliliter.
 31 (B) Epinephrine HCl solution in a concentration of one (1)
 32 to one thousand (1,000).
 33 (C) Diphenhydramine HCl solution in a concentration of
 34 fifty (50) milligrams per milliliter.
 35 (D) Methylprednisolone in a concentration of one hundred
 36 twenty-five (125) milligrams per two (2) milliliters.
 37 (E) Naloxone in a concentration of up to one (1) milligram
 38 per milliliter in a two (2) milliliter vial.
 39 (F) Glucagon in a concentration of one (1) milligram per
 40 milliliter.
 41 (G) Furosemide in a concentration of ten (10) milligrams
 42 per milliliter.



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1 (H) Lidocaine two and one-half percent (2.5%) and
 2 prilocaine two and one-half percent (2.5%) cream in a five
 3 (5) gram tube.

4 (I) Lidocaine HCl solution in a concentration of one
 5 percent (1%) in a two (2) milliliter vial.

6 (J) Urokinase five thousand (5,000) units per a one (1)
 7 milliliter vial.

8 Sec. 4. An employee of a hospice who is a licensed pharmacist,
 9 registered nurse, or licensed practical nurse may purchase, store,
 10 or transport drugs in a sealed portable container under this
 11 chapter only if the hospice has established written policies and
 12 procedures to ensure the following:

13 (1) That the container is handled properly with respect to
 14 storage, transportation, and temperature stability.

15 (2) That a drug is removed from the container only on the
 16 written or oral order of a licensed physician.

17 (3) That the administration of a drug in the container is
 18 performed in accordance with a specific treatment protocol.

19 (4) That the hospice maintains a written record of the dates
 20 and times the container is in the possession of a licensed
 21 pharmacist, registered nurse, or licensed practical nurse.

22 (5) That the hospice require an employee who possesses the
 23 container to submit a daily accounting of all drugs and
 24 devices in the container to the hospice in writing.

25 Sec. 5. An employee of a hospice who:

26 (1) is a licensed pharmacist, registered nurse, or licensed
 27 practical nurse; and

28 (2) administers a drug listed in section 3 of this chapter;
 29 may administer the drug only in the residence of a hospice patient
 30 or home health patient under the order of a licensed physician in
 31 connection with the provision of emergency treatment or the
 32 adjustment of parenteral drug therapy or vaccine administration.

33 Sec. 6. (a) If an employee of a hospice who is a licensed
 34 pharmacist, registered nurse, or licensed practical nurse
 35 administers a drug listed in section 3 of this chapter under the oral
 36 order of a licensed physician, the physician shall promptly send a
 37 signed copy of the order to the hospice.

38 (b) Not more than twenty (20) days after receiving an order
 39 under subsection (a), the hospice shall send a copy of the order, as
 40 signed by and received from the physician, to the dispensing
 41 pharmacy.

42 Sec. 7. A pharmacist who dispenses a sealed portable container



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1 under this chapter shall ensure that the container:

- 2 (1) is designed to allow access to the contents of the container
 3 only if a tamperproof seal is broken;
 4 (2) bears a label that lists the drugs in the container and
 5 provides notice of the container's expiration date; and
 6 (3) remains in the pharmacy or under the control of a licensed
 7 pharmacist, registered nurse, or licensed practical nurse.

8 SECTION 2. IC 16-27-3 IS ADDED TO THE INDIANA CODE AS
 9 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 1998]:

11 **Chapter 3. Possession of Certain Drugs and Other Health Care**
 12 **Items**

13 **Sec. 1. An employee of a home health agency who is a licensed**
 14 **pharmacist, registered nurse, or licensed practical nurse may**
 15 **purchase, store, or transport for administering to a home health**
 16 **patient or hospice patient of the home health agency under the**
 17 **order of a licensed physician the following:**

- 18 (1) Sterile water for injection and irrigation.
 19 (2) Sterile saline for injection and irrigation.

20 **Sec. 2. (a) An employee of a home health agency who is a**
 21 **licensed pharmacist, registered nurse, or licensed practical nurse**
 22 **may purchase, store, or transport a vaccine in order to administer**
 23 **the vaccine to:**

- 24 (1) the home health agency's:
 25 (A) employees; or
 26 (B) home health patients or hospice patients; or
 27 (2) family members of a home health patient or hospice
 28 patient;

29 under the order of a licensed physician.

30 (b) An employee described in subsection (a) who purchases,
 31 stores, or transports a vaccine under this section must ensure that
 32 a standing order for the vaccine:

- 33 (1) is signed and dated by a licensed physician;
 34 (2) identifies the vaccine covered by the order;
 35 (3) indicates that appropriate procedures are established for
 36 responding to any adverse reaction to the vaccine; and
 37 (4) directs that a specific medication or category of
 38 medication be administered if a recipient has an adverse
 39 reaction to the vaccine.

40 **Sec. 3. An employee of a home health agency who is a licensed**
 41 **pharmacist, registered nurse, or licensed practical nurse may**
 42 **purchase, store, or transport the following drugs in order to**



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1 administer to a home health patient or hospice patient of the home
2 health agency, in accordance with section 5 of this chapter:

3 (1) Any of the following items in a sealed portable container
4 in a size determined by the dispensing pharmacist:

5 (A) up to one thousand (1,000) milliliters of nine-tenths of
6 one percent (0.9%) sodium chloride intravenous infusion.

7 (B) up to one thousand (1,000) milliliters of five percent
8 (5%) dextrose in water injection.

9 (2) Not more than five (5) dosage units of each of the following
10 items, each in an individually sealed, unused container:

11 (A) Heparin sodium lock flush in a concentration of ten
12 (10) units per milliliter, one hundred (100) units per
13 milliliter, or one thousand (1,000) units per milliliter.

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

16 (C) Diphenhydramine HCl solution in a concentration of
17 fifty (50) milligrams per milliliter.

18 (D) Methylprednisolone in a concentration of one hundred
19 twenty-five (125) milligrams per two (2) milliliters.

20 (E) Naloxone in a concentration of up to one (1) milligram
21 per milliliter in a two (2) milliliter vial.

22 (F) Glucagon in a concentration of one (1) milligram per
23 milliliter.

24 (G) Furosemide in a concentration of ten (10) milligrams
25 per milliliter.

26 (H) Lidocaine two and one-half percent (2.5%) and
27 prilocaine two and one-half percent (2.5%) cream in a five
28 (5) gram tube.

29 (I) Lidocaine HCl solution in a concentration of one
30 percent (1%) in a two (2) milliliter vial.

31 (J) Urokinase five thousand (5,000) units per a one (1)
32 milliliter vial.

33 **Sec. 4. An employee of a home health agency who is a licensed**
34 **pharmacist, registered nurse, or licensed practical nurse may**
35 **purchase, store, or transport drugs in a sealed portable container**
36 **under this chapter only if the home health agency has established**
37 **written policies and procedures to ensure the following:**

38 (1) That the container is handled properly with respect to
39 storage, transportation, and temperature stability.

40 (2) That a drug is removed from the container only on the
41 written or oral order of a licensed physician.

42 (3) That the administration of a drug in the container is



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1 performed in accordance with a specific treatment protocol.

2 (4) That the home health agency maintains a written record
3 of the dates and times the container is in the possession of a
4 licensed pharmacist, registered nurse, or licensed practical
5 nurse.

6 (5) That the home health agency require an employee who
7 possesses the container to submit a daily accounting of all
8 drugs and devices in the container to the home health agency
9 in writing.

10 **Sec. 5. An employee of a home health agency who:**

11 (1) is a licensed pharmacist, registered nurse, or licensed
12 practical nurse; and

13 (2) administers a drug listed in section 3 of this chapter;
14 may administer the drug only in the residence of a home health
15 patient or hospice patient of the home health agency under the
16 order of a licensed physician in connection with the provision of
17 emergency treatment or the adjustment of parenteral drug therapy
18 or vaccine administration.

19 **Sec. 6. (a) If an employee of a home health agency who is a**
20 **licensed pharmacist, registered nurse, or licensed practical nurse**
21 **administers a drug listed in section 3 of this chapter under the oral**
22 **order of a licensed physician, the physician shall promptly send a**
23 **signed copy of the order to the home health agency.**

24 (b) Not more than twenty (20) days after receiving an order
25 under subsection (a), the home health agency shall send a copy of
26 the order, as signed by and received from the physician, to the
27 dispensing pharmacy.

28 **Sec. 7. A pharmacist who dispenses a sealed portable container**
29 **under this chapter shall ensure that the container:**

30 (1) is designed to allow access to the contents of the container
31 only if a tamperproof seal is broken;

32 (2) bears a label that lists the drugs in the container and
33 provides notice of the container's expiration date; and

34 (3) remains in the pharmacy or under the control of a licensed
35 pharmacist, registered nurse, or licensed practical nurse.

36 SECTION 3. IC 16-29-1-16, AS AMENDED BY P.L.255-1996,
37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 16. This chapter expires July 1, ~~1998~~ 2001.

39 SECTION 4. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as coauthor of Senate Bill 251.

RIEGSECKER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental affairs, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 8, delete "patient of the hospice" and insert "**hospice patient or home health patient**".

Page 1, line 14, delete "an influenza" and insert "**a**".

Page 2, line 1, delete "patients" and insert "**a hospice patient or home health patient**".

Page 2, line 5, delete "an influenza" and insert "**a**".

Page 2, line 16, after "a" insert "**hospice patient or home health**".

Page 2, line 17, delete "of the hospice".

Page 3, between lines 18 and 19, begin a new line block indented and insert:

"(5) That the hospice require an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the hospice in writing."

Page 3, line 23, after "a" insert "**hospice patient or home health**".

Page 3, line 23, delete "of the".

Page 3, line 24, delete "hospice".

Page 4, line 16, delete "an influenza" and insert "**a**".

Page 4, line 25, delete "an influenza" and insert "**a**".

Page 5, between lines 40 and 41, begin a new line block indented and insert:

"(5) That the home health agency require an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the home health agency in writing."

and when so amended that said bill do pass.

(Reference is to Senate Bill 251 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.



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SENATE MOTION

Mr. President: I move that Senate Bill 251 be amended to read as follows:

Page 2, line 22, after "(A)" insert "Up to".

Page 2, line 22, delete "One" and insert "one".

Page 2, line 24, after "(B)" insert "Up to".

Page 2, line 24, delete "One" and insert "one".

Page 2, delete line 26.

Page 2, line 30, delete "or" and insert ",".

Page 2, line 30, after "(100) units per" insert "milliliter, or one thousand (1000) units per".

Page 2, line 38, after "concentration of" insert "up to".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(J) Urokinase five thousand (5,000) units per one (1) milliliter vial."

Page 5, line 4, after "(A)" insert "Up to".

Page 5, line 4, delete "One" and insert "one".

Page 5, line 6, after "(B)" insert "Up to".

Page 5, line 6, delete "One" and insert "one".

Page 5, delete line 8.

Page 5, line 12, delete "or" and insert ",".

Page 5, line 12, after "(100) units per" insert "milliliter or one thousand (1000) units per".

Page 5, line 20, after "concentration of" insert "up to".

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"(J) Urokinase five thousand (5,000) units per one (1) milliliter vial."

(Reference is to Senate Bill 251 as printed January 30, 1998.)

RIEGSEK CER

 SENATE MOTION

Mr. President: I move that Senators Gard and K. Adams be added as coauthors of Senate Bill 251.

RIEGSECKER



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SENATE MOTION

Mr. President: I move that Senator Skillman be added as coauthor of Senate Bill 251.

RIEGSECKER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the amendment made on motion of Senator Riegsecker, adopted February 2, 1998.

Page 2, line 11, delete "negative" and insert "**adverse**".

Page 2, line 13, delete "a negative" and insert "**an adverse**".

Page 2, line 22, delete "One" and insert "**Up to one**".

Page 2, line 24, delete "One" and insert "**Up to one**".

Page 2, delete line 26.

Page 2, line 30, delete "or" and insert ",".

Page 2, line 30, after "(100) units per" insert "**milliliter, or one thousand (1,000) units per**".

Page 2, line 38, after "of" insert "**up to**".

Page 3, between lines 6 and 7, begin a new line double block indented and insert:

"(J) Urokinase five thousand (5,000) units per a one (1) milliliter vial."

Page 4, line 35, delete "negative" and insert "**adverse**".

Page 4, line 37, delete "a negative" and insert "**an adverse**".

Page 5, line 4, delete "One" and insert "**Up to one**".

Page 5, line 6, delete "One" and insert "**Up to one**".

Page 5, delete line 8.

Page 5, line 12, delete "or" and insert ",".

Page 5, line 12, after "(100) units per" insert "**milliliter, or one thousand (1,000) units per**".

Page 5, line 20, after "of" insert "**up to**".

Page 5, between lines 30 and 31, begin a new line double block indented and insert:

"(J) Urokinase five thousand (5,000) units per a one (1) milliliter vial."

Page 6, after line 33, begin a new paragraph and insert:

"SECTION 3. IC 16-29-1-16, AS AMENDED BY P.L.255-1996, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. This chapter expires July 1, ~~1998~~: **2001**.

SECTION 4. **An emergency is declared for this act.**"

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to Senate Bill 251 as printed January 30, 1998, and as amended on motion of Senator Riegsecker adopted February 2, 1998.)

GULLING, Chair

Committee Vote: yeas 11, nays 1.

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