

SENATE BILL No. 251

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-25-2; IC 16-27-3.

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, storing, and transporting an influenza vaccine. Allows an employee of a home health agency or hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse to administer an influenza vaccine to the employees of the home health agency or hospice, to the
(Continued next page)

Effective: July 1, 1998.

Riegsecker

January 7, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Digest Continued

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. 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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Introduced

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.

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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 patient of the hospice under the**
9 **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 an influenza vaccine in order to**
15 **administer the vaccine to:**



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

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

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

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

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

- 20 (A) One thousand (1,000) milliliters of nine-tenths of one
 21 percent (0.9%) sodium chloride intravenous infusion.
 22 (B) One thousand (1,000) milliliters of five percent (5%)
 23 dextrose in water injection.
 24 (C) Sterile saline.

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

- 27 (A) Heparin sodium lock flush in a concentration of ten
 28 (10) units per milliliter or one hundred (100) units per
 29 milliliter.
 30 (B) Epinephrine HCl solution in a concentration of one (1)
 31 to one thousand (1,000).
 32 (C) Diphenhydramine HCl solution in a concentration of
 33 fifty (50) milligrams per milliliter.
 34 (D) Methylprednisolone in a concentration of one hundred
 35 twenty-five (125) milligrams per two (2) milliliters.
 36 (E) Naloxone in a concentration of one (1) milligram per
 37 milliliter in a two (2) milliliter vial.
 38 (F) Glucagon in a concentration of one (1) milligram per
 39 milliliter.
 40 (G) Furosemide in a concentration of ten (10) milligrams
 41 per milliliter.
 42 (H) Lidocaine two and one-half percent (2.5%) and



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

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

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

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

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

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

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

19 **Sec. 5. An employee of a hospice who:**

20 (1) is a licensed pharmacist, registered nurse, or licensed
21 practical nurse; and

22 (2) administers a drug listed in section 3 of this chapter;
23 may administer the drug only in the residence of a patient of the
24 hospice under the order of a licensed physician in connection with
25 the provision of emergency treatment or the adjustment of
26 parenteral drug therapy or vaccine administration.

27 **Sec. 6. (a) If an employee of a hospice who is a licensed**
28 **pharmacist, registered nurse, or licensed practical nurse**
29 **administers a drug listed in section 3 of this chapter under the oral**
30 **order of a licensed physician, the physician shall promptly send a**
31 **signed copy of the order to the hospice.**

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

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

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

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

42 (3) remains in the pharmacy or under the control of a licensed

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1 **pharmacist, registered nurse, or licensed practical nurse.**

2 SECTION 2. IC 16-27-3 IS ADDED TO THE INDIANA CODE AS
3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 1998]:

5 **Chapter 3. Possession of Certain Drugs and Other Health Care**
6 **Items**

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

12 (1) Sterile water for injection and irrigation.

13 (2) Sterile saline for injection and irrigation.

14 **Sec. 2. (a) An employee of a home health agency who is a**
15 **licensed pharmacist, registered nurse, or licensed practical nurse**
16 **may purchase, store, or transport an influenza vaccine in order to**
17 **administer the vaccine to:**

18 (1) the home health agency's:

19 (A) employees; or

20 (B) home health patients or hospice patients; or

21 (2) family members of a home health patient or hospice
22 patient;

23 under the order of a licensed physician.

24 (b) An employee described in subsection (a) who purchases,
25 stores, or transports an influenza vaccine under this section must
26 ensure that a standing order for the vaccine:

27 (1) is signed and dated by a licensed physician;

28 (2) identifies the vaccine covered by the order;

29 (3) indicates that appropriate procedures are established for
30 responding to any negative reaction to the vaccine; and

31 (4) directs that a specific medication or category of
32 medication be administered if a recipient has a negative
33 reaction to the vaccine.

34 **Sec. 3. An employee of a home health agency who is a licensed**
35 **pharmacist, registered nurse, or licensed practical nurse may**
36 **purchase, store, or transport the following drugs in order to**
37 **administer to a home health patient or hospice patient of the home**
38 **health agency, in accordance with section 5 of this chapter:**

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

41 (A) One thousand (1,000) milliliters of nine-tenths of one
42 percent (0.9%) sodium chloride intravenous infusion.



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- 1 **(B) One thousand (1,000) milliliters of five percent (5%)**
 2 **dextrose in water injection.**
 3 **(C) Sterile saline.**
 4 **(2) Not more than five (5) dosage units of each of the following**
 5 **items, each in an individually sealed, unused container:**
 6 **(A) Heparin sodium lock flush in a concentration of ten**
 7 **(10) units per milliliter or one hundred (100) units per**
 8 **milliliter.**
 9 **(B) Epinephrine HCl solution in a concentration of one (1)**
 10 **to one thousand (1,000).**
 11 **(C) Diphenhydramine HCl solution in a concentration of**
 12 **fifty (50) milligrams per milliliter.**
 13 **(D) Methylprednisolone in a concentration of one hundred**
 14 **twenty-five (125) milligrams per two (2) milliliters.**
 15 **(E) Naloxone in a concentration of one (1) milligram per**
 16 **milliliter in a two (2) milliliter vial.**
 17 **(F) Glucagon in a concentration of one (1) milligram per**
 18 **milliliter.**
 19 **(G) Furosemide in a concentration of ten (10) milligrams**
 20 **per milliliter.**
 21 **(H) Lidocaine two and one-half percent (2.5%) and**
 22 **prilocaine two and one-half percent (2.5%) cream in a five**
 23 **(5) gram tube.**
 24 **(I) Lidocaine HCl solution in a concentration of one**
 25 **percent (1%) in a two (2) milliliter vial.**

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

- 31 **(1) That the container is handled properly with respect to**
 32 **storage, transportation, and temperature stability.**
 33 **(2) That a drug is removed from the container only on the**
 34 **written or oral order of a licensed physician.**
 35 **(3) That the administration of a drug in the container is**
 36 **performed in accordance with a specific treatment protocol.**
 37 **(4) That the home health agency maintains a written record**
 38 **of the dates and times the container is in the possession of a**
 39 **licensed pharmacist, registered nurse, or licensed practical**
 40 **nurse.**

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

- 42 **(1) is a licensed pharmacist, registered nurse, or licensed**



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

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

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

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

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

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