

216.2980 Hospice, palliative care, and end-of-life services providers to have policies and procedures for deactivation or sequestration and disposal of controlled substances upon death of patient or discontinuance of prescription -- Notice -- Written agreement -- Witness statement.

- (1) Any provider of hospice, palliative care, or end-of-life services shall have written policies and procedures for the deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled substances prescribed to a patient when a prescription is discontinued or upon the patient's death by the entity or person pronouncing the death.
- (2) Any provider of hospice, palliative care, or end-of-life services shall provide a copy of the written policy and procedures for the management and the deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled substances prescribed to a patient when a prescription is discontinued or upon the patient's death, to the patient or the patient's legal representative, and the provider shall discuss the policy and procedures with the patient or the patient's legal representative. The patient or the patient's legal representative shall be requested to sign an agreement to this policy.
- (3) In an effort to reduce illegal diversion of Schedule II, III, IV, or V controlled substances, the agreement to the written policy and procedures required under subsection (2) of this section shall inform the patient or the patient's legal representative that if the patient or the patient's legal representative refuses to agree to the deactivation or sequestration and disposal when a prescription is discontinued or upon the death of the patient, local law enforcement shall be notified of the refusal by the hospice, palliative care, or end-of-life services provider or the entity or person pronouncing death.
- (4) The deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled substances prescribed to a patient when a prescription is discontinued or upon the patient's death shall be completed by the entity or person pronouncing death and witnessed by an adult. The witness shall sign a statement that he or she witnessed the deactivation or sequestration and disposal.
- (5) The deactivation or sequestration and disposal methods of Schedule II, III, IV, or V controlled substances used by the entity or person pronouncing death shall comply with the United States Food and Drug Administration's recommendations for the safe disposal of unused medicines or shall be another safe deactivation or sequestration and disposal method.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 36, sec. 37, effective July 15, 2020. -- Created 2018 Ky. Acts ch. 172, sec. 1, effective July 14, 2018.