

INFORMATION ONLY – NO ACTION REQUIRED

SB 1329 (Simitian), Chapter 709, Statutes of 2012

Affects: Residential Care Facilities for the Elderly

Subject: Prescription drugs: collection and distribution program

Summary: Amends Sections 150200, 150201, 150202, 150204, and 150205 of, and adds Section 150202.5 to, the Health and Safety Code, relating to pharmaceuticals.

The bill allows Residential Care Facilities for the Elderly (RCFE) with sixteen (16) or more residents, and other specified entities, to donate unused medication to a prescription drug depository and distribution program providing medication to medically indigent patients free of charge. Additionally, expands which pharmacies are eligible to dispense donated medications.

Eligible medications must have been:

- Directly delivered from the dispensing pharmacy, wholesaler or manufacturer to the RCFE or other care setting,
- Centrally stored (centrally stored medication that originated from the resident is not eligible),
- Unused,
- Unopened, in tamper-evident packaging, or in modified unit dose containers that meet United States Pharmacopoeia (USP) standards,
- Not expired,
- Not eligible for a refund or credit for the resident,
- Not a controlled substance, and
- Not have been adulterated, misbranded, or stored under conditions contrary to the standards set by the USP or the product manufacturer.

California Code of Regulations, Title 22, Division 6, Chapter 8 section 87465(i) requires that prescription medications which are not taken with an RCFE resident upon termination of services, not returned to the issuing pharmacy, nor retained in the RCFE as ordered by the resident's physician and documented in the resident's record nor disposed of according to the hospice's established procedures or which are otherwise to be disposed shall be destroyed in the facility by the facility administrator and one other adult who is not a resident. However, this bill allows RCFEs with 16 or more residents to donate medications according to the above listed requirements and participate in the prescription drug depository and distribution program. Participation in this program is voluntary, and a waiver to section 87465(j) is not necessary provided all program requirements are met and documentation of transaction is maintained in the resident's record.

For legislative information related to this new law:

http://leginfo.ca.gov/pub/11-12/bill/sen/sb_1301-1350/sb_1329_bill_20120928_chaptered.pdf