Safe Disposal of Unused Medication Act

Background

The United States is amid an opioid crisis. According to the Center for Disease Control and Prevention (CDC), in 2016, more than 46 people died every day from overdoses involving prescription opioids. Today, more than 40% of all opioid overdose deaths involve a prescription opioid. Other risks associated with prescription opioids include misuse, diversion, and addiction.

Opioids/Prescription Drugs and Hospice

Opioids play a key role in alleviating pain and suffering for those with advanced illness and at the end of life. Hospice and palliative care providers tend to administer highly skilled pain management, and prescribe opioids, even at high doses, when clinically indicated. Due to limitations in current law, however, after a hospice patient’s death, leftover medication can sometimes find its way into the wrong hands.

Specifically, in 2014, the United States Drug Enforcement Administration (DEA) issued a Final Rule for the Disposal of Controlled Substances that forbids hospice personnel from destroying unused medication unless authorized by state law. Instead, the DEA encourages hospices to assist in the disposal of the medication, but hospices cannot actually destroy the drugs. This leaves the disposal in the hands of grieving family members, increasing the opportunity for diversion and unintentional misuse of the medication.

The Solution

The Safe Disposal of Unused Medication Act (H.R.5041), introduced by Congressman Tim Walberg (MI-07), Congresswoman Debbie Dingell (MI-12), and Congressman Richard Hudson (NC-08), is a bipartisan bill that would amend the Controlled Substances Act, granting hospice organizations the legal authority to dispose of unused medication after a hospice patient’s death. This legislation will promote safer disposal of prescription drugs like opioids, and will help prevent and mitigate the impacts of substance abuse on patients and families.

Similarly, Senator Susan Collins (R-ME) introduced S. 2659, a bill that would allow hospice employees to handle controlled substances in a patient’s residence in order to assist in drug disposal upon a patient’s death or if a prescription has expired. It includes safeguards to protect families and communities from diversion.

NHPCO and HAN urges all members of Congress to cosponsor these common-sense, non-controversial legislation, to help prevent the illegal use and distribution of prescription drugs.

For more information on this legislation, contact the Hospice Action Network Team at info@nhpcohan.org.