

# Bill as Introduced

HB 1426 - AS INTRODUCED

2010 SESSION

10-2667

01/05

HOUSE BILL **1426**

AN ACT permitting patients to bring their medications to the hospital or health care facility.

SPONSORS: Rep. Daniels, Hills 6

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill allows patients to bring their medications to the hospital or health care facility.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT            permitting patients to bring their medications to the hospital or health care facility.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Section; Patient Medications. Amend RSA 151 by inserting after section 20-b the  
2 following new section:

3            151:20-c Patient Medications. A patient shall be allowed to bring his or her own medications to  
4 the facility; provided that such prescriptions are valid and provided further that such medications  
5 are used according to the hospital physician's instructions.

6            2 Effective Date. This act shall take effect January 1, 2011.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1426

**BILL TITLE:** permitting patients to bring their medications to the hospital or health care facility.

**DATE:** February 2, 2010

**LOB ROOM:** 205      **Time Public Hearing Called to Order:** 2:00 PM

**Time Adjourned:** 2:43 PM

(please circle if present)

**Committee Members:** Reps. Rosenwald, Donovan, French, Schulze, Tilton, Butcher, Bridgham, E. Merrick, T. Russell, DiPentima, Miller, Batula, C. McMahon, Pilliod, Emerson, Case, Millham, Wells, Cebrowski and Kotowski.

**Bill Sponsors:** Rep. Daniels, Hills 6

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Representative Gary Daniels, prime sponsor – supports.** This bill is an attempt to bring down health care costs. Some hospitals do allow this process. Medications to be given upon the authorization of a doctor. Did not consider using medication in a sealed container. Someone could determine if medication is safe. How can hospitals justify the prices they charge. Expect a charge for the administration.

**Robert Ehlers, HHS.** He takes no stand on this bill.

Consider:

1. Determination of how medication is stored at home.
2. Source of medication.
3. Someone may show up with a pocketful of pills.
4. Valid prescription.
5. You might have several physicians.
6. How to manage in different care settings.
7. It is already allowed, have never run into this procedure.

There may be an overall cost to the operation of the hospital. Hospitals should be able to charge for a service.

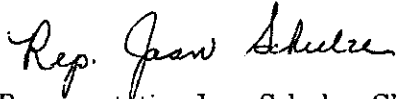
**\*Jay Queenan R.Ph. MBA, Executive Secretary, NH Board of Pharmacy – opposes.** See written testimony. A bar coding system is used in some hospitals. The capability of evaluating medications, interactions is lost.

**Doug McNutt, AARP – supports with amendment.**

Page 2  
HB 1426

**\*Leslie Melby, New Hampshire Hospital Association – opposes.** See written testimony. Hospitals are concerned for patients' safety. Patients in a number of hospitals are permitted to bring their own medication. If a physician permits self administration the medication is sent to the pharmacy for identification. The nurse must document and educate regarding use and side effects of the drug to the patient. This process is labor intensive ad not reimburseable.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rep. Joan Schulze".

Representative Joan Schulze, Clerk



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1426

BILL TITLE: permitting patients to bring their medications to the hospital or health care facility.

DATE: 2/2/00

LOB ROOM: 205

Time Public Hearing Called to Order: 2:00 PM

Time Adjourned: 2:43 PM

(please circle if present)

Committee Members: Reps. Rosenwald, Donovan, French, Schulze, Tilton, Butcher, Bridgham, E. Merrick, T. Russell, DiPentima, Miller, Batula, C. McMahon, Pilliod, Emerson, Case, Millham, Wells, Cebrowski and Kotowski.

Bill Sponsors: Rep. Daniels, Hills 6

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Daniels prime sponsor supports. This bill is an attempt to bring down health care costs. Some hospitals do allow this process. Medication to be given upon the authorization of a doctor. Did not consider using medication in a sealed container. Someone could determine if medication is safe. How can hospitals justify the prices they charge - Expect a charge for the administration

Robert Ehlers Health Facilities #HS

- Take no stand on this bill
- Consider
1. Determination how medication is stored at home
  2. Source of medication
  3. Someone may show up with a pocketful of pills
  3. Valid prescription
  4. Appropriate Dose, Interactions
  5. You might have several physicians
  6. How to manage in different care settings
  7. This already allowed. have never run into this procedure.

There may be an overall cost to the operation of the Hospital.  
Hospital should be able to charge for a service.

Jay Innes, Sec. of Board of Pharmacy, opposes the bill  
a bar coding system is used in some hospitals.

Capability of evaluating medication; interactions is lost

Doug McKitt AARP Supports this concept

★ Leslie Melby - NH Hospital Association  
opposes this bill. Hospitals are concerned  
for patients' safety

Patients in a number of hospitals are permitted to  
bring their own medication

If a physician permits self-administration the medication  
is sent to the pharmacy for identification. The nurse must  
document and educate re: use & side effects of drug  
to patient. This process is labor intensive and not reimbursable

# Testimony

STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

57 Regional Drive  
Concord, NH 03301-8518

File  
HB 1426



February 1, 2010

Rep. Cindy Rosenwald  
Chairperson House Health, Human Services and Elderly Affairs  
107 North Main Street  
State House Room 31  
Concord, NH 03301

Dear Rep. Rosenwald

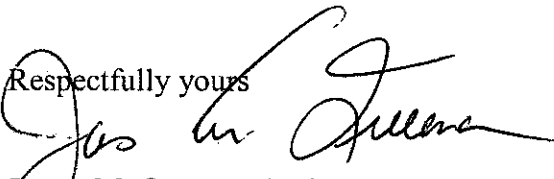
The New Hampshire Board of Pharmacy is in opposition of House Bill 1426 for the following reasons. Hospitals and health care facilities go to extreme measures to guarantee patient safety. One such method is bar coding where administration of product is scanned to be patient specific. Medication brought from home will negate such safety check since retail pharmacy bar coding is not synchronized with hospital software.

Medications once dispensed to patients are not always maintained in the original labeled container and over the counter medication may have no specific individual labeling at all. Pill packs, weekly dosing planners and medication filled in zip locked baggies will force health care practitioners to be nearly clairvoyant to identify brought from home meds.

Pharmacy computer systems assist a pharmacist in screening drug interactions, dosage alerts and other valuable therapeutic reviews. If a patient profile is segmented from multiple pharmacies another breakdown in safety ensues.

Saving patient's money is happily supported by the Board of Pharmacy but not at the risk of a fractured therapeutic delivery system. Safety should always be paramount.

Respectfully yours

  
James M. Queenan R.Ph. MBA  
Executive Secretary / Director  
New Hampshire Board of Pharmacy

President  
Ronald L. Petrin, R.Ph.

Vice President  
Vahrij Manoukian, R.Ph.

Secretary (Public Member)  
Sandra B. Keans

Treasurer  
Charles J. Fanaras, R.Ph.

Member  
George L. Bowersox, R.Ph.

Member  
Kristina Genovese, R.Ph.

Member  
Gary J. Merchant

Executive Secretary  
James M. Queenan, R.Ph., M.B.A.

Chief Compliance Investigator  
Margaret A. Clifford, R.Ph.

**HOUSE HEALTH & HUMAN SERVICES COMMITTEE**

**February 2, 2010**

**HB 1426**

**Permitting patients to bring their medications to the hospital or health care facility**

**Testimony**

Good afternoon, Madam Chair and members of the Committee. My name is Leslie Melby, and I am the Vice President for State Government Relations at the New Hampshire Hospital Association, representing the state's 32 acute care community and specialty hospitals.

The bill you have before you appears on the surface to be fairly simple and manageable. HB 1426 proposes to allow patients to bring their own medications to the hospital as long as the prescription is valid and that the medication is used according to the hospital physician's instructions. We understand the desire to reduce the patient's cost by allowing them to bring their own medications to the hospital. There are, however, safety issues and a number of greater consequences for the patients, as well as the healthcare providers.

Above all else, hospitals are concerned with quality and patient safety. Over the past decade, many safeguards, including technology solutions, have been introduced in hospitals around medication administration to prevent medication errors and other adverse events. In addition, the federal Centers for Medicare & Medicaid Services and the Joint Commission require hospitals to follow specific requirements for any medication brought in to the facility by patients. And though some hospitals allow patients to bring their own prescribed medications, they do so in a limited and highly controlled manner with strict patient safety controls.

I believe the issue at hand stems from the fact that Medicare does not pay for a patient's medications when the patient is at the hospital for "observation" and is in a bed. Although the patient may feel as though this is an inpatient stay, it is not. And Medicare considers this to be an outpatient service because the patient has not actually been admitted. It all depends on the doctor's orders and protocols around medical necessity to warrant an inpatient stay.

In these instances, patients may wish to bring their own medications that they will take on their own (as they would at home) are considered by Medicare to be "self-administered."

In this scenario, the physician must indicate on the order that the patient may self-administer his/her own medication. The medication must then be sent to the hospital pharmacy to be identified, labeled, and entered into the computer system to properly document what medication the patient will be taking and to monitor for drug therapy duplication and interactions. The nurse must then inform the patient as to the use of the drug and the side effects, as well as document in the medical record that the patient took the medication as prescribed.

Given that all the proper procedures are in place, there remain a number of major problems with patients bringing their own medications to the hospital or health care facility:

1. Unlabeled medicine: Frequently, patients bring their own medications to the hospital in unlabeled pill boxes or other containers, or they mix them in one vial, or the pills are simply unidentifiable. This is especially troublesome with the many generics, over the counter medications and herbal supplements.

2. Nonpayment by Medicare: Some patients believe that while they're in the hospital, everything will be covered and they therefore shouldn't have to use their own medication. But Medicare, in particular, does not pay for medication when a patient is "admitted" for observation – deemed by Medicare to be an outpatient service – even though the patient is in a bed on an inpatient unit. This may be where hospitals have the greatest number of complaints, particularly when the patient is admitted to the hospital from the emergency room and does not have their medications with them.

3. Improper Storage: There's no way of knowing whether the patient's medication has been stored properly. If pills are in a weekly pill box, there's no way of knowing whether the medication is past the expiration date.

4. Patient information: Many patients come to the hospital not knowing what their medication names are. Sometimes, as treatment progresses, medications are added and subtracted when the patient's condition changes.

For these reasons, I urge you to find HB 1426 inexpedient to legislate. Thank you.

# Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1426

**BILL TITLE:** permitting patients to bring their medications to the hospital or health care facility.

**DATE:** February 9, 2010

**LOB ROOM:** 205

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. F. Case

Seconded by Rep. A. Millham

Vote: 18-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 18-0**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Joan H. Schulze, Clerk

*Rep. Joan H. Schulze*



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1426

BILL TITLE: permitting patients to bring their medications to the hospital or health care facility.

DATE: 2/9/2010

LOB ROOM: 205

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Cases*

Seconded by Rep. *Millham*

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *Consent*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Joan H. Schulze, Clerk

## HEALTH, HUMAN SERVICES &amp; ELDERLY AFFAIRS

Bill #: NB 1426 Title: Permitting patients to bring their medications to the Hospital & Health Care Facility.

PH Date: 21 21 10

Exec Session Date: 21 9 1 20 10

Motion: 272

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Rosenwald, Cindy, Chairman	18	
Donovan, Thomas E, V Chairman	1	
French, Barbara C	2	
Schulze, Joan H, Clerk	3	
Tilton, Joy K	4	
Butcher, Suzanne S	5	
Bridgham, Robert G	6	
Merrick, Evalyn S	7	
Russell, Trinkia T	-	
DiPentima, Rich T	8	
Miller, Kate W	9	
Batula, Peter L	10	
McMahon, Charles E	11	
Pilliod, James P	12	
Emerson, Susan	13	
Case, Frank G	14	
Millham, Alida I	15	
Wells, Roger G	-	
Cebrowski, John W	16	
Kotowski, Frank R	17	
		18 0
TOTAL VOTE:		
Printed: 1/12/2009		

# Committee Report

**CONSENT CALENDAR**

**February 17, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on HEALTH, HUMAN SERVICES &  
ELDERLY AFFAIRS to which was referred HB1426,**

**AN ACT permitting patients to bring their medications  
to the hospital or health care facility. Having**

**considered the same, report the same with the following**

**Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Frank G Case**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>HEALTH, HUMAN SERVICES &amp; ELDERLY AFFAIRS</b>
Bill Number:	<b>HB1426</b>
Title:	<b>permitting patients to bring their medications to the hospital or health care facility.</b>
Date:	<b>February 9, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill would require hospitals and health facilities to allow patients to bring medications to the hospital or health care facility as a money saving effort. However, both hospitals and health care facilities have policies in place for the storage and administration of medications. First, medications must be stored in a secure locked container (medication cart) or in the locked medication room. In many hospitals the medications are given to patients using bar coding technology, matching the right pill, the right dose, the right time to the right patient. Health care facilities also are concerned about the right resident, the right pill, the right medication and the right time. These protocols are in place to prevent medication errors. The original containers from pharmacies will not have the bar coding or packaging parameters able to accomplish these goals. All of these protocols are in place to protect patient safety. In addition, some hospitals currently do allow patients to bring medications under limited circumstances.

Vote 18-0.

Rep. Frank G Case  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

**HB1426**, permitting patients to bring their medications to the hospital or health care facility.

#### **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G Case for HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS. This bill would require hospitals and health facilities to allow patients to bring medications to the hospital or health care facility as a money saving effort. However, both hospitals and health care facilities have policies in place for the storage and administration of medications. First, medications must be stored in a secure locked container (medication cart) or in the locked medication room. In many hospitals the medications are given to patients using bar coding technology, matching the right pill, the right dose, the right time to the right patient. Health care facilities also are concerned about the right resident, the right pill, the right medication and the right time. These protocols are in place to prevent medication errors. The original containers from pharmacies will not have the bar coding or packaging parameters able to accomplish these goals. All of these protocols are in place to protect patient safety. In addition, some hospitals currently do allow patients to bring medications under limited circumstances. **Vote 18-0.**

Original: House Clerk  
Cc: Committee Bill File

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*require hospitals and health facilities to allow*  
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*CR*



*This bill*

HB-1426 a bill which would allow patients to bring medications to the hospital or health care facility by *was*

~~the patient has been brought to the committee~~ as a money saving effort. However, both hospitals and health care facilities have policies in place for the storage and administration of ~~these~~ medications. First,

~~these~~ medications must be stored in a secure locked container (medication cart) or in the locked medication room. In many hospitals the medications are given to patients using bar coding technology, matching the right pill, the right dose, the right time to the right patient. Health care facilities also are concerned about the right resident, the right pill, the right medication and the right time. These

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*all of these protocols are in place to protect patient safety. ~~The committee~~*

*CR*

COMMITTEE REPORT

Rep. Care

COMMITTEE: AHS + E

BILL NUMBER: HB 1426

TITLE: permitting patients to bring their medications to the hospital or health care facility

DATE: 2.9.2010 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

Maden Chair -  
You may use the long or the short 'blend'  
or a combination of each -

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Frankly Care  
For the Committee

*CR*