



General Assembly

January Session, 2011

Committee Bill No. 5436

LCO No. 3209

03209HB05436HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING THE USE OF PRESCRIPTION DRUGS
RETURNED BY LONG-TERM CARE FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) The Commissioner of
2 Consumer Protection, in consultation with the Commissioner of Public
3 Health and the Commissioner of Social Services, shall establish a
4 central pharmaceutical repository. The central pharmaceutical
5 repository shall accept unused prescription drugs returned by long-
6 term care facilities in accordance with section 17b-363a of the general
7 statutes, as amended by this act, and shall redispense such prescription
8 drugs, that are of acceptable integrity, to the Department of Correction
9 for use by inmates in correctional institutions and to the Department of
10 Social Services for use by Medicaid recipients. One or more
11 pharmacists licensed in accordance with section 20-590, 20-591 or 20-
12 592 of the general statutes, who are employed by or under contract
13 with the central pharmaceutical repository, shall determine which
14 drugs are acceptable for redispensing.

15 Sec. 2. Section 17b-363a of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2011*):

17 (a) Each long-term care facility shall return to the [vendor
18 pharmacy] central pharmaceutical repository, established pursuant to
19 section 1 of this act, which shall accept, for repackaging [and
20 reimbursement to] and redispensing on behalf of the Department of
21 Social Services for use by Medicaid recipients and to the Department of
22 Correction, drug products that were dispensed to a patient and not
23 used if such drug products are (1) prescription drug products that are
24 not controlled substances, (2) sealed in individually packaged units, (3)
25 returned to the [vendor pharmacy] central pharmaceutical repository
26 within the recommended period of shelf life for the purpose of
27 redispensing such drug products, (4) determined to be of acceptable
28 integrity by a licensed pharmacist, and (5) oral and parenteral
29 medication in single-dose sealed containers approved by the federal
30 Food and Drug Administration, topical or inhalant drug products in
31 units of use containers approved by the federal Food and Drug
32 Administration or parenteral medications in multiple-dose sealed
33 containers approved by the federal Food and Drug Administration
34 from which no doses have been withdrawn.

35 (b) Notwithstanding the provisions of subsection (a) of this section:

36 (1) If such drug products are packaged in manufacturer's unit-dose
37 packages, such drug products shall be returned to the [vendor
38 pharmacy] central pharmaceutical repository for redispensing [and
39 reimbursement to] on behalf of the Department of Social Services and
40 the Department of Correction if such drugs may be redispensed for use
41 before the expiration date, if any, indicated on the package.

42 (2) If such drug products are repackaged in manufacturer's unit-
43 dose or multiple-dose blister packs, such drug products shall be
44 returned to the [vendor pharmacy] central pharmaceutical repository
45 for redispensing [and reimbursement to] on behalf of the Department
46 of Social Services and the Department of Correction if (A) the date on
47 which such drug product was repackaged, such drug product's lot
48 number and expiration date are indicated clearly on the package of

49 such repackaged drug; (B) ninety days or fewer have elapsed from the
50 date of repackaging of such drug product; and (C) a repackaging log is
51 maintained by the [pharmacy] central pharmaceutical repository in the
52 case of drug products repackaged in advance of immediate needs.

53 (3) No drug products dispensed in a bulk dispensing container may
54 be returned to the [vendor pharmacy] central pharmaceutical
55 repository.

56 (c) Each long-term care facility shall establish procedures for the
57 return of unused drug products to the [vendor pharmacy from which
58 such drug products were purchased] central pharmaceutical
59 repository.

60 (d) The Department of Social Services (1) shall reimburse to the
61 [vendor pharmacy] central pharmaceutical repository the reasonable
62 cost of services incurred in the operation of this section, as determined
63 by the commissioner, and (2) may establish procedures, if feasible, for
64 reimbursement to non Medicaid payors for drug products returned
65 pursuant to this section.

66 (e) The Department of Consumer Protection, in consultation with
67 the Department of Social Services, shall adopt regulations, in
68 accordance with the provisions of chapter 54, which shall govern the
69 repackaging and labeling of drug products returned pursuant to
70 subsections (a) and (b) of this section. The Department of Consumer
71 Protection shall implement the policies and procedures necessary to
72 carry out the provisions of this section [until January 1, 2002,] while in
73 the process of adopting such policies and procedures in regulation
74 form, provided notice of intent to adopt the regulations is published in
75 the Connecticut Law Journal [within] not later than twenty days after
76 implementation.

77 (f) Any long-term care facility that violates or fails to comply with
78 the provisions of this section shall be fined not more than thirty
79 thousand dollars for each incidence of noncompliance. The

80 Commissioner of Social Services may offset payments due a facility to
 81 collect the penalty. Prior to imposing any penalty pursuant to this
 82 subsection, the commissioner shall notify the long-term care facility of
 83 the alleged violation and the accompanying penalty and shall permit
 84 such facility to request that the department review its findings. A
 85 facility shall request such review not later than fifteen days after
 86 receipt of the notice of violation from the department. The department
 87 shall stay the imposition of any penalty pending the outcome of the
 88 review. The commissioner may impose a penalty upon a facility
 89 pursuant to this subsection regardless of whether a change in
 90 ownership of the facility has taken place since the time of the violation,
 91 provided the department issued notice of the alleged violation and the
 92 accompanying penalty prior to the effective date of the change in
 93 ownership and record of such notice is readily available in a central
 94 registry maintained by the department. Payments of fines received
 95 pursuant to this subsection shall be deposited in the General Fund and
 96 credited to the Medicaid account.

97 (g) The Commissioner of Social Services [, in consultation with the
 98 pharmacy review panel established in section 17b-362a,] shall annually
 99 update and expand [by June 30, 2003, and annually thereafter,] the list
 100 of drugs that are included in the drug return program. Such list shall
 101 include the fifty drugs with the highest average wholesale price that
 102 meet the requirements for the program, as established in subsection (a)
 103 of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	17b-363a

Statement of Purpose:

To save the state money and reduce waste by redispensing suitable prescription medications that would otherwise be discarded by long-term care facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. SAYERS, 60th Dist.

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