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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representative Joseph M.McNamara

Date Introduced: June 19, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance Policies" is hereby amended by adding thereto the following section:

27-18-82. Cancer patient safety and environmental protection study commission. -- (a) Purpose. It is the policy of the state not to permit introduction of pollutants into the groundwater and water systems of the state or otherwise to be discharged in concentrations which are known to be toxic, carcinogenic, mutagenic, or teratogenic as the same are defined in the department of environmental management groundwater quality rules and the rules and regulations for hazardous waste management.

(b) Findings. It is acknowledged by medical experts that bodily wastes of patients undergoing chemotherapy treatment may contain levels of chemicals that are toxic, carcinogenic, mutagenic or teratogenic for a certain period of time, to such an extent that the World Health Organization defines genotoxic waste as chemotherapy drug waste including urine, feces and vomit from patients, which may contain potentially hazardous amounts of the administered cytostatic drugs or of their metabolites, and which should be considered genotoxic for at least forty-eight (48) hours and sometimes up to one week after drug administration. The World Health Organization further states that any discharge of genotoxic waste into the environment could have disastrous ecological consequences. The World Health Organization core principles require that all personnel associated with financing and supporting healthcare activities should provide for the costs of managing healthcare waste. This is the duty of care. The World Health Organization

places the responsibility for genotoxic waste on the chief pharmacist, and further states that the chief pharmacist also has the special responsibility of ensuring that genotoxic products are used safely, and that genotoxic waste is managed safely. The Federal Occupational Safety and Health Administration ("OSHA") is the main federal agency charged with the enforcement of safety and health legislation. OSHA, in concert with the National Institute for Occupational Safety and Health ("NIOSH") and the Joint Commission on Healthcare, an independent, not-for-profit organization that accredits and certifies more than twenty thousand (20,000) health care organizations and programs in the United States, stated in a 2011 letter to every hospital in the country that "[e]very day in healthcare settings across America, workers are exposed to hundreds of powerful drugs used for cancer chemotherapy, antiviral treatments, hormone regimens and other therapies. While these drugs are used to relieve and heal patients, many of them present serious hazards to the health and safety of your workers. Some of these drugs have been known to cause cancer, reproductive and developmental problems, allergic reactions, and other adverse effects that can be irreversible even after low-level exposures."

Further, because of the risk of ongoing exposure to these extremely hazardous excreted drugs, the American Cancer Society has published a comprehensive list of safety precautions regarding the in-home personal hygiene for individuals undergoing chemotherapy and their families.

(c) Establishment of cancer patient safety and environmental protection study commission. The general assembly hereby establishes the cancer patient safety and environmental protection study commission. The commission's purpose is to study and evaluate implementation in the state of the standards and protocols defined and established by the World Health Organization, the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, and the Joint Commission on Healthcare relating to protection of cancer patients, their caregivers, and the environment from the effects of excretions from patients undergoing regimens of chemotherapy agents that are antineoplastic or cytotoxic, and which may be excreted during the period of administration or thereafter, including, but not limited to, drugs listed in the NIOSH list of "Antineoplastic and Other Hazardous Drugs", as the same may be updated or amended from time to time.

(d) Reporting. The commission shall advise and make recommendations to the governor and the general assembly as to the best practices, duty of care, protocols, and funding mechanisms available, no later than January 30, 2015.

(e) Composition. The commission shall consist of nine (9) members as follows:

(1) Three (3) members of the senate appointed by the senate president, one of whom shall

serve as co-chair of the study commission;

(2) Three (3) members of the house of representatives appointed by the speaker, one of whom shall serve as co-chair of the study commission;

(3) Three (3) members to be appointed by the governor.

(f) Vacancies. Vacancies in the commission shall be filled in the same manner as the original appointments were made. Members of the commission shall serve without compensation. The commission shall organize, no later than thirty (30) days after the appointment of the members. The members shall elect one member appointed from the senate, and one member appointed from the house to serve as co-chairpersons, and a secretary of the commission. The secretary need not be a member of the commission.

(g) Implementation and assistance. The commission shall meet at least monthly, in addition to holding at least two (2) public hearings for the purpose of gathering information relevant to its purposes. The commission may request and shall receive from any instrumentality of the state any information and assistance it deems necessary for the proper execution of its powers and duties under this section. The department of health and human services shall provide such stenographical, clerical, other administrative and professional assistance as the commission requires.

(h) Scope. The study commission shall evaluate the implementation of legislation, regulations, and protocols for care based on standards referenced herein. The evaluation shall include, but need not be limited to the following:

(1) An assessment of risks to patients, caregivers, and the environment and a recommended protocol for collection methods which would allow providers and patients to safely collect and contain extremely hazardous excretions for a period of time as determined by the United States Food and Drug Administration ("FDA") and referenced on the relevant FDA prescription insert(s);

(2) A description of actions that should be taken by the state to implement the standards to provide for safe and proper disposal of collected extremely hazardous excretions and a timeline of actions to be taken;

(3) An assessment of current obligations to fund the recommended safety and collection standards through existing healthcare finance methods under existing programs;

(4) An estimate of costs to state, federal, and private payers for the protocols recommended by the commission; and

(5) A recommendation of form and content for written notice from the prescribing pharmacist to each patient undergoing such treatment as to the hazards posed to patients and their

families of extremely hazardous excretions, including, but not limited to, urine, vomit, and feces, for a period following treatment as generally determined by the food and drug administration label accompanying said chemotherapy drug or drugs.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

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This act would establish a cancer patient safety and environmental protection study commission to examine protections related to the disposal of extremely hazardous wastes generated by the use of toxic, carcinogenic, mutagenic, or teratogenic chemotherapy drugs to be implemented by pharmacists, physicians, health care providers, and insurers.

This act would take effect upon passage.

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