

April 28, 2014

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901

**RE: DPH Proposed Hospice Disposal of Medications Regulation [17 DE Reg. 961 (April 1, 2014)]**

Dear Ms. Harvey:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Public Health (DPH) proposal to establish standards for the disposal of unused prescription medications following the death of an in-home hospice patient as required by Senate Bill No. 119 which was signed in June of 2013. The GACEC would like to share the following observations.

First, the proposed standards are comprehensive but only establish guidelines for hospice providers. Hospice agencies must adopt policies which conform to an outline rather than adhering to specific standards. For example, each hospice agency could adopt a different timetable for medication disposal (§A.2) and a different approach if there is evidence of missing unused prescription medication (§A.7). Reasonable persons could differ on whether this approach conforms to the statutory requirement of a "standardized protocol".

Second, there appears to be conflicting information in Appendix A in terms of the responsibilities of designated hospice staff and family members in the disposal of medications. This section would benefit from additional clarifications.

Third, there are some abnormalities in punctuation. For example, there is no period at the end of §A.3.

Fourth, in §C.2.a, the word "was" should be substituted for "were" since the subject

(documentation) is singular.

Fifth, §§B.1.b, B.2, C.2.b, and D.1 have unusual introductory symbols prior to the subsections amounting to a bullet with a dash underneath. It is unclear what this symbol represents. If it is intended to be construed as “and/or”, that term “should never be used”. See Delaware Administrative Code Drafting & Style Manual, §6.6. Also, the Delaware Administrative Code Drafting & Style Manual (§2.3.1; §2.4.2) only permits numeric subparts and disallows bullets. If numeric subparts were used, appropriate punctuation (currently absent from the subparts) could also be added. See Manual, Figure 2.2.

Thank you for your time and consideration of our observations and recommendations. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Terri A. Hancharick  
Chairperson

TAH:kpc

CC: Dr. Karyl Rattay