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## FISCAL IMPACT REPORT



SPONSOR: Godbey DATE TYPED: 02/04/02 HB HJM 50

SHORT TITLE: Reuse of Unused Unit Doses of Packaged Drugs SB \_\_\_\_\_

ANALYST: Weber

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1	Indeterminate	Recurring	Other State Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

New Mexico board of Pharmacy  
Attorney General

### SUMMARY

#### Synopsis of Bill

House Joint Memorial-50 resolves that legislative recommendations be presented to the interim legislative health and human services committee that allows for re-use of unit dose package drugs by someone other than the person for whom the original prescription was written.

#### Significant Issues

1. The New Mexico Board of Pharmacy Administers the Pharmacy Act, the Drug Device & Cosmetic Act, and the Controlled Substance Act. (2.) The New Mexico Board of Pharmacy has already addressed this issue and permits the reuse of these types of medications in nursing homes and hospitals (except for controlled substances-federal laws prohibit this). (3.) There has to be strict accountability procedures in place to avoid double billing issues and drug accountability issues, otherwise there is a great potential for fraud. (4.) The Board of Pharmacy already does random audits of these facilities to ensure accountability. (5.) Statutes in existence that prevent the return of drugs from non-licensed facilities, do so to ensure the integrity of the medications by having reasonable assurances that medications were stored under proper conditions. Liability issues are avoided ( e.g. oral contraceptives that are exposed to high temperatures when left in vehicles may become ineffective). (6.) Are manufacturers exempt from any liability and

who assumes the product liability. (7.) Statutes and regulations are in place that permit partial dispensing of controlled substances for those that are hospice patients or in long term care facilities. (8.) Record keeping by manufacturer, lot #, and expiration date are a must, in the event of recalls and to avoid issuance of drug past effective date.

### **FISCAL IMPLICATIONS**

Unknown for sure, but would probably involve the assignment of one State Drug Inspector to participate in the study.

### **OTHER SUBSTANTIVE ISSUES**

There are many pharmaceuticals that were wasted or destroyed in the past, which added unnecessary cost to a patient's medical bills. The Board of Pharmacy recognized this approximately two years ago and took steps to alleviate some of the burden to consumers while still maintaining safety and efficacy of products.

MW/njw:ar