



POLICY: Medical Marijuana, Use and Possession

POLICY NUMBER: 4000-A005

Issuing Department: Nursing Administration

Effective Date: October 1, 2010

Supersedes: New

PURPOSE:

To outline the proper procedures for handling medical marijuana legally in the possession of persons served at the time of admission to Livingston HealthCare (LHC).

- Provide guidelines when patients are in possession of Medical Marijuana at the time of admission
- Provide guidelines for Medical Staff when they have patients requesting Medical Marijuana

POLICY:

Medical Marijuana is considered contraband by the Drug Enforcement Administration (Federal) and by the Montana Board of Pharmacy. Therefore, *Medical Marijuana is not permitted for persons served at Livingston Healthcare Hospital* even though Montana Law permits certain individuals to legally possess and use small amounts of marijuana to help manage symptoms of debilitating medical conditions. (Title 50, Chapter 46)

Marijuana, in any form, may not be prescribed or ordered by any provider with Hospital privileges for patient use at any Livingston HealthCare location.

Marijuana, in any form may not be used in any LHC facility or property, including LHC owned/leased vehicles, or in the presence of LHC employees performing duties in settings outside of LHC facilities (e.g., home health/hospice, home oxygen).

If authorization to possess marijuana cannot be quickly established at the time of admission, it will be handled as an illegal substance. Legal authority to possess marijuana is established by immediately presenting a Current Valid Registry Identification Card issued by the Montana Department of Public Health and Human Services.

Medical marijuana is recognized as a medication that is used to treat the patient's medical condition and is therefore confidential information. Therefore, all LHC employees and medical staff must follow all applicable HIPAA guidelines as they pertain to the patient's medical condition and treatments. Disclosure by an employee will be handled through proper channels with appropriate Human Resource policies. In addition Montana law states - - (2) A person convicted of disclosure of confidential information relating to medical use of marijuana shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. ((MCA 50.46.202(2))

PROCEDURE:

While it is usually the admission process that leads to discovery of medical marijuana, any caregiver in any department may be told or discover that the patient has medical marijuana on their person. Even if it is in an outpatient department where this is discovered, staff should request to see the card and ask the person to have the marijuana and/or paraphernalia removed immediately. If the patient is going to be admitted follow the process outlined below. If the patient cannot produce a valid, current card immediately then the marijuana is handled like any other illicit drug.

1. **Hospital Admission.** At the time of admission, hospital staff completes an inventory of all of the patient's belongings. If a patient is found to be in possession of what they claim is marijuana and any associated paraphernalia, they will be asked to present their Registry Identification Card.
 - a. If the patient can present the card, the marijuana and associated paraphernalia will be sent off the premises with the patient's designee immediately.
 - b. If the patient cannot send the marijuana and associated paraphernalia away,
 - i. Those items along with the original Registry Identification Card will be placed in a bag in the presence of the patient.
 - ii. RN will seal the bag with evidence tape.(can be found at the med/surg nurses station and the lab).
 - iii. RN and patient will sign across the sealed bag opening.
 - iv. The bag will be placed in the designated lock up area on the nursing unit.
 - v. Once a determination of the disposition of the drug has been made, **the responsible LHC employee/RN is required to clearly document the outcome in the patient's chart.**
 - c. If the patient cannot produce a Registry Identification Card, the marijuana and associated paraphernalia will be turned over to law enforcement authorities as soon as is reasonably possible, but on the same date it is discovered. The marijuana and/or drug paraphernalia will not be kept or stored on-site under these circumstances. **The disposition of the drug should once again be clearly documented in the patient's chart.**
 - d. The Nursing Supervisor and Hospital Services Director (if on-site) will be informed anytime a patient is in possession of marijuana on admission to LHC.
 - e. At no time is marijuana in any form ((with the exception of Marinol[®] (dronabinol)) to be stored in the Department of Pharmacy Services. Marinol[®] is currently a class III controlled substance, is on the formulary at LHC, and may be used as a substitute while the patient is hospitalized (provided they meet FDA approved criteria for use of the medication).
2. **Medication Substitution.** Medical Staff that have patients requesting the use Medical Marijuana have an alternative choice in prescribing Marinol[®] (Dronabinol) for use within the facility. Current approved FDA indications: Loss of appetite in AIDS and Prophylaxis of chemotherapy-induced nausea and vomiting.

3. **Disposal.** Two LHC staff must be present in order to dispose of the medical marijuana or paraphernalia in-house. One of the two staff must be a supervisor, manager, risk management or director.
- a. Paraphernalia will be disposed of in a sharps container. The sharps container will be closed and disposed of after the paraphernalia is enclosed. There are large sharps containers in both the lab and the OR.
 - b. The marijuana in any form (food, salve, nebulizer, dried product, etc.) will be mixed with water and then mixed with coffee grounds or cat litter and placed in the sharps container.
 - c. Marijuana in possession of a patient not in possession of a valid, current medical marijuana card immediately available for review will be handled in the same manner as other illegal and illicit drugs by reporting to and turning over to local police for a criminal investigation as soon as is reasonably possible, but on the same date it is discovered. The marijuana and/or drug paraphernalia will not be kept or stored on-site under these circumstances. **The disposition of the drug should once again be clearly documented in the patient's chart.**
 - d. Any quantity of marijuana and paraphernalia that cannot fit in secure patient box will be disposed of.

Approved: Marsha Vanderhoff, RN
 Authorized Signature

 9/23/2010
 Date Signed

