

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

October 23, 2013

Colorado Medical Directors' Association
c/o Gregory Gahm, MD
5215 East Linden Court
Greenwood Village, CO 80121

Dear Dr. Gahm:

Thank you for your question: "For meds that are legally donated to a charity as provided for by the 2011 legislation [Senate Bill 10-115], what sort of documentation will the new process require?"

Answer:

We recommend that Long Term Care Facilities (LTCFs) that donate medication keep the following documentation:

1. Drug disposal logs that indicate what medication was donated and when. Some facilities have proposed adding a "Donated" column to their drug disposal log with a checkmark in the column indicating that the specific drug (drug name, dosage, and number of units) was donated. The log also shows when the drug was donated.
2. A letter from the pharmacy that is accepting donations. The letter should clearly state that the pharmacy will accept medication donations from a specific LTCF and that the pharmacy will manage the donated medication as though it were new product for dispensing until the medication becomes no longer usable. The letter should also list or reference any medication donations are unacceptable to the pharmacy (e.g., expired medication, medication in opened containers, refrigerated medication, etc.).

We consider the above documentation adequate to meet the Colorado Hazardous Waste Regulations which require the generator to "provide appropriate documentation....to demonstrate that the material is not a waste." However, the Colorado Hazardous Waste Regulations do not specify exactly what documentation is required and other types of documentation might also adequately address the requirement. Please note that the Standards for Hospitals and Health Facilities (6 CCR 1011-1, Chapter 5) have other specific documentation requirements for donation of unused medications that must also be met by LTCFs.

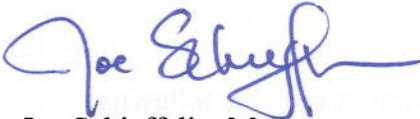
Regulatory Background:

A description of the documentation required to demonstrate that a certain material is not a waste may be found in Section 261.2(f)(1) of the Colorado Hazardous Waste Regulations (6 CCR 1007-3). For your convenience, an excerpt from that section is shown below:

In order to claim that a certain material is not a solid waste or is conditionally exempt from regulation, owners or operators must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so. Materials that are not legitimately recycled are discarded and are solid waste.

I hope that this letter adequately addresses your question. Please feel free to contact Dan Goetz at 303-692-3341 or Kathryn Stewart at 303-692-3307 if you have any further questions.

Sincerely,



Joe Schieffelin, Manager
Hazardous Waste Program
Hazardous Materials and Waste Management Division