

Chicago Tribune

BUSINESS

New law allows donation of unused medication in Illinois. But it could take some time to get started.

By LISA SCHENCKER
CHICAGO TRIBUNE | JAN 18, 2022 AT 6:00 AM



Every day, Dr. Alan Hutchison has to decide which medications to prescribe to patients. But it's not always as simple as just choosing the best drug.

As a physician to many low-income patients at University of Chicago Medicine on the city's South Side, he has to take into account whether his patients can afford particular medications. He has to consider whether they'll have enough money or insurance coverage to refill those prescriptions down the road.

Sometimes he has to compromise, putting patients on medications that aren't his first choice, because they're more affordable.

"Every day our attempts at providing the best care to our patients in the clinics and when we discharge them from the hospital are thwarted by their ability to pay for the medications," said Hutchison, who is a gastroenterology fellow. "It's just a huge issue that drags down the ability to provide care to our patients."



Pharmacists Howard Dvorin, left, and Allen Graber work behind the counter at The Ark, a free clinic in the West Rogers Park neighborhood on Nov. 30, 2021, in Chicago. In Illinois, a new law will take effect next year allowing people and institutions to donate unused medications. (Armando L. Sanchez / Chicago Tribune)

That's part of the reason Hutchison is excited about a new law, which took effect Jan. 1, that will allow individuals and institutions, such as long-term care facilities, to donate unused medication for other patients to use. Hutchison is co-founder of a group that pushed for the law's passage. He and many others are hopeful that the law will improve access to medications, though some warn that it could take some time to get the program off the ground, especially given the latest COVID-19 surge, and that many logistical challenges remain.

Here's how the new law will work: Individuals and institutions will be allowed to donate medication to organizations that are legally allowed to possess medicine through a license or permit, such as pharmacies. Pharmacies will then be allowed to give the medication to patients in need, prioritizing those who don't have health insurance, are underinsured, homeless or on public health insurance programs such as Medicaid. The medications are to be provided for free to those in-need, though pharmacies may charge a "reasonable" handling fee, according to the law.

Only medications that are unopened and unexpired, such as an inhaler or tube of skin cream, may be donated. Pills may be donated if they are individually packaged, such as when pills are in individual compartments covered with foil. Loose pills in typical amber-colored bottles won't be accepted.

Donors must remove any information that would identify the original patient.

The new law won't be a "silver bullet on drug affordability, by any means, but it will get a lot of people in need a new (opportunity) to receive the medications they may be struggling to afford," said state Rep. Will Guzzardi (D-Chicago), the bill's House sponsor.

"Right now in Illinois, the only thing you can do with unused prescription drugs is incinerate them," he said. "It means that we waste tens of millions of dollars of perfectly safe, unexpired, unopened prescriptions every year."

Each year, hospitals and long-term care facilities discard billions of dollars' worth of medications, according to the National Conference of State Legislatures. Often medication is left over when a patient recovers and no longer needs it, dies or is given more medication than necessary.

Pharmacist Elizabeth Lindquist is eager to take donations at the outpatient oncology clinic at SwedishAmerican Regional Cancer Center in Rockford where she works. Lindquist is a co-founder of the Illinois Prescription Drug Repository Coalition, the grassroots group that was a driving force behind the new law.

“Some of these drugs my patients get, oral oncology drugs, are just extraordinarily expensive,” Lindquist said. “It just really pains me to see patients and families come in and ask if there’s any way they can donate these unused medications, and to tell them they have to throw them away is horrible.”



Medications on shelves at The Ark, a free clinic in the West Rogers Park neighborhood. (Armando L. Sanchez / Chicago Tribune)

Free and charitable clinics with pharmacies may also benefit from the new law. Such clinics, which give uninsured and underinsured patients free services and medication, already receive donated or low-cost drugs, but typically only from pharmaceutical companies or nonprofits that are licensed to distribute medication, such as Americares. The new law will broaden who can donate drugs, potentially giving free clinics more supply.

Free clinic CommunityHealth, which has locations in West Town and Cragin, distributes about 30,000 prescriptions each year, said Laura Ciresi Starr, the clinic’s director of development and communities. But it can sometimes run short on items such as asthma inhalers. When that happens, clinic staff must often help patients fill out applications to participate in drugmakers’ patient assistance programs, through which they can get free or discounted medication, but that can take time.

“In some instances, like the inhalers, currently we are not able to provide as many as we would like or as what might be prescribed,” Ciresi Starr said. “We simply can’t afford to buy every individual inhaler.”

Many clinics, however, were still trying to figure out the logistics of the new law, shortly before it went into effect, and whether it would work for them.

Pharmacist Howard Dvorin, with social services organization and free clinic The ARK in West Rogers Park, said late last year that he would love to get more free medications for his pharmacy. But he wasn't sure if The ARK would be able to accept donations through the new law, given all the challenges that might entail.

"We've got to see what the fine print says," Dvorin said.

The small pharmacy, which sits off a hallway in the ARK's basement, has only one full-time pharmacist and one part-time pharmacist. They don't have time to sift through bags of donations, trying to determine what's safe to give to other patients, not to mention the additional record keeping that would be involved.



Pharmacist Allen Graber places a prescription on a shelf at The Ark on Nov. 30, 2021, in Chicago. (Armando L. Sanchez / Chicago Tribune)

Bill sponsor Guzzardi acknowledges that it may take some time for pharmacies to start accepting donations, given how busy they are at the moment with sick patients, people needing COVID-19 vaccinations and because they're dealing with staffing shortages. The program is optional for pharmacies.

But Guzzardi is confident that eventually the program will lead to less waste and more patients getting much-needed drugs, especially with assistance from a California-based nonprofit called Sirum, which helped with the new law's creation.

Sirum works in states that have medication donation laws, helping to facilitate donations from donors to pharmacies and organizations in need, said Sirum co-founder George Wang. The donating institutions sometimes pay a service fee, but the fee is less than what the institutions would have to pay to destroy the extra medications, he said. Sirum plans to help facilitate drug donation in Illinois, under the state's new law.

"It does take some time," Wang said. "It takes some time to build awareness that these programs are available now. It takes some time to build the network of donors and charitable networks to receive the medicine."

About 40 states already have laws allowing for medication donation, similar to the new one in Illinois. Advocates of the new law say they worked, for years, to try to pass the law in Illinois, but faced questions about liability. Under the bill that was ultimately signed into law, donors, recipients and drugmakers cannot be held liable for problems, unless it's shown that those problems resulted from "an unreasonable, willful, wanton or reckless act" or it's shown that the person or entity knew or should have known that there was an issue with the donated drug.

Though not all pharmacies will start taking donations right away, Melissa Maguire recommends people interested in donating go to the website of the Illinois Association of Free and Charitable Clinics to find clinics near them. People can then call those clinics to see if they're taking donations, said Maguire, who is the association's executive director.

"This would really open the opportunity for them to receive more medications that are quality controlled, quality medicines," Maguire said. "These clinics are scrappers. They figure out how to make it work."



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