**[*OPTIONAL*] ARTICLE 9**

**MEDICAL MARIJUANA**

**[*ADMINISTRATION BY HOSPITAL STAFF*]**

**COMMENT:** *This Rule and Regulation should be used when a Hospital plans to have Hospital staff Administer Medical Marijuana to Qualifying Patients being treated at Hospital when such Qualifying Patients possess a valid Identification Card.*

**NOTE**: *MHA* ***strongly*** *advises consultation with legal counsel prior to adopting any medical staff rule or regulation allowing the use of marijuana on hospital premises, especially if hospital staff will administer cannabis to patients. Marijuana remains a Schedule 1 controlled substance under federal law, and use or possession of cannabis is illegal under federal law. The federal Controlled Substances Act also prohibits aiding and abetting the use of marijuana; therefore administration of the substance to patients carries considerable legal risk. However, hospitals in other states have adopted policies for the administration of medical marijuana to patients, and MHA is not aware of any adverse regulatory consequences, so long as hospital staff have been in compliance with state law permitting the use of medical marijuana. There are numerous legal considerations in allowing patients to use marijuana onsite, which must be factored into any decision of a hospital medical staff to adopt rules and regulations regarding medical marijuana.*

9.1 **Definitions.** For purposes of this Rule and Regulation, the following terms shall have the following means:

(a) “**Administer**” means the direct application of Medical Marijuana to a Qualifying Patient by way of any of the following methods:

(i) Ingestion of capsules, teas, oils, and other marijuana-infused products;

(ii) Application of ointments or balms;

(iii) Transdermal patches and suppositories;

(iv) Consuming marijuana-infused food products; or

(v) Any other method recommended by a Qualifying Patient's physician.

(b) “**Certification**” means a written certification provided by a physician to a patient stating that the patient has a Qualifying Medical Condition thereby permitting the patient to obtain an identification card from the Missouri Department of Health and Senior Services permitting the patient to obtain Medical Marijuana.

(c) “**Identification Card**” means a card issued by the Missouri Department of Health and Senior Services to (i) a Qualifying Patient authorizing the Qualifying Patient to possess and use Medical Marijuana, or (ii) a Primary Caregiver permitting the Primary Caregiver to possess Medical Marijuana for a specific Qualifying Patient.

(d) “**Medical Marijuana”** means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products, which are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

(e) “**Primary Caregiver**” means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a Qualifying Patient and who is designated as such pursuant to a valid Identification Card issued by the Department of Health and Senior Services.

(f) “**Qualifying Medical Condition**” means the condition of, symptoms related to, or side-effects from the treatment of:

(i) Cancer;

(ii) Epilepsy;

(iii) Glaucoma;

(iv) Intractable migraines unresponsive to other treatment;

(v) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

(vi) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;

(vii) Human immunodeficiency virus or acquired immune deficiency syndrome;

(viii) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(ix) Any terminal illness; or

(x) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(g) “**Qualifying Patient”** means a Missouri resident diagnosed with at least one Qualifying Medical Condition who holds a valid Identification Card issued by the Department of Health and Senior Services authorizing the possession and use of Medical Marijuana. A Qualifying Patient may be under the age of 18, if the Qualifying Patient’s parent or legal guardian has consented to the Qualifying Patient’s use of Medical Marijuana.

9.2 **Administration of Medical Marijuana.** The Medical Staffrecognizes that Missouri law authorizes Medical Marijuana use by Qualifying Patients with Qualifying Medical Conditions, and that Medical Marijuana may provide therapeutic benefit to patients with those conditions. The Medical Staff also understands that the Hospital, through its [**Option A** - *Board of Directors* or **Option B** - *Board of Trustees*], has determined that the Hospital staff will Administer Medical Marijuana to Qualifying Patients being treated at Hospital when such Qualifying Patients possess a valid Identification Card issued to the Qualifying Patients. Nothing in this Rule should be construed to require a physician to certify that a patient has a Qualifying Medical Condition for the purpose of a obtaining an Identification Card or to prevent a physician from certifying that a patient has a Qualifying Medical Condition for the purpose of obtaining an Identification Card.

(a) The physician providing the Qualifying Patient’s Certification is not required to maintain Clinical Privileges at the Hospital. The Medical Staff member responsible for care of the Qualifying Patient may coordinate with the physician providing the Qualifying Patient’s Certification to verify the dosage recommended by the physician providing the Qualifying Patient’s Certification and assure the Qualifying Patient’s use of Medical Marijuana is not contraindicated for the Qualifying Patient’s condition or treatment regimen.

(b) If the Medical Staff member responsible for care of the Qualifying Patient does not believe the use of Medical Marijuana is contraindicated for the Qualifying Patient’s condition or treatment regimen, Hospital staff will advise the Qualifying Patient that Hospital staff will Administer Medical Marijuana to the Qualifying Patient being treated at Hospital, in accordance with Hospital’s policies, so long as the Qualifying Patient and his or her Primary Caregiver comply with the Hospital’s policy on self-administration of Medical Marijuana.

9.3 **Documentation and Administration**

(a) Medical Marijuana [**Option A** - will or **Option B** – will not] be included in Hospital’s medication reconciliation policies and procedures.

(b) The Medical Staff member responsible for care of the Qualifying Patient will determine if Medical Marijuana is permissible during the Qualifying Patient’s treatment at the Hospital and will inform the Qualifying Patient or the Qualifying Patient’s Primary Caregiver that continuation and use of the Qualifying Patient’s own supply of Medical Marijuana during the Qualifying Patient’s stay will be allowed. [**Optional Language**: *In so doing, the physician is not determining whether Medical Marijuana is a medically appropriate therapy, but will allow the Qualifying Patient to continue the dosage and frequency as determined by the Qualifying Patient and the Qualifying Patient’s certifying physician.*]

(c) The Medical Staff member responsible for care of the Qualifying Patient will not change the dose or frequency of a Qualifying Patient’s Medical Marijuana, but may suspend or discontinue use during the Qualifying Patient’s treatment when medically indicated.

(d) A nurse will administer and document Medical Marijuana o in accordance with Hospital’s medication administration policy for Medical Marijuana, including bar-code scan on administration when possible.

9.4 **Discharge**

(a) Upon discharge, all remaining Medical Marijuana will be returned to and removed by the Qualifying Patient or his/her Primary Caregiver.

(b) The Medical Staff member responsible for care of the Qualifying Patient is not required to address the ongoing use of Medical Marijuana at the time of discharge but may refer the Qualifying Patient or his/her Primary Caregiver to the physician who provided the Qualifying Patient’s Certification for questions concerning continued use following discharge.