



Medical Marijuana

It's Your Resident's Right

Penny Worthley, RN, LNHA



Medical Marijuana It's Your Resident's Right

Objectives

- **Resident benefits from the use of Medical Marijuana**
- **Diagnosis that qualify for the use of Medical Marijuana**
- **What states allow Medical Marijuana and what the law looks like**
- **How Long-Term Care Facilities can provide Medical Marijuana use legally – Writing a Policy**



Resident Benefits from Medical Marijuana

- Balanced Sleep
- Improved Appetite
- Pain Reduction
- Relief from depression
- Arthritis Pain
- Relief from Anxiety



Qualifying Diagnosis

- Cancer
- Epilepsy
- Glaucoma
- Migraines unresponsive to other treatment
- Chronic medical condition that causes severe, persistent pain or persistent muscle spasms that could be associated with multiple sclerosis, seizures, Parkinson's disease and Tourette's syndrome
- Debilitating psychiatric disorders, for example: Post-traumatic stress disorder diagnosed by a licensed state psychiatrist



Qualifying Diagnosis

- HIV Positive
- AIDS
- Hepatitis C
- Amyotrophic Lateral Sclerosis
- Crohn's Disease
- Agitation of Alzheimer's Disease
- Nail Patella



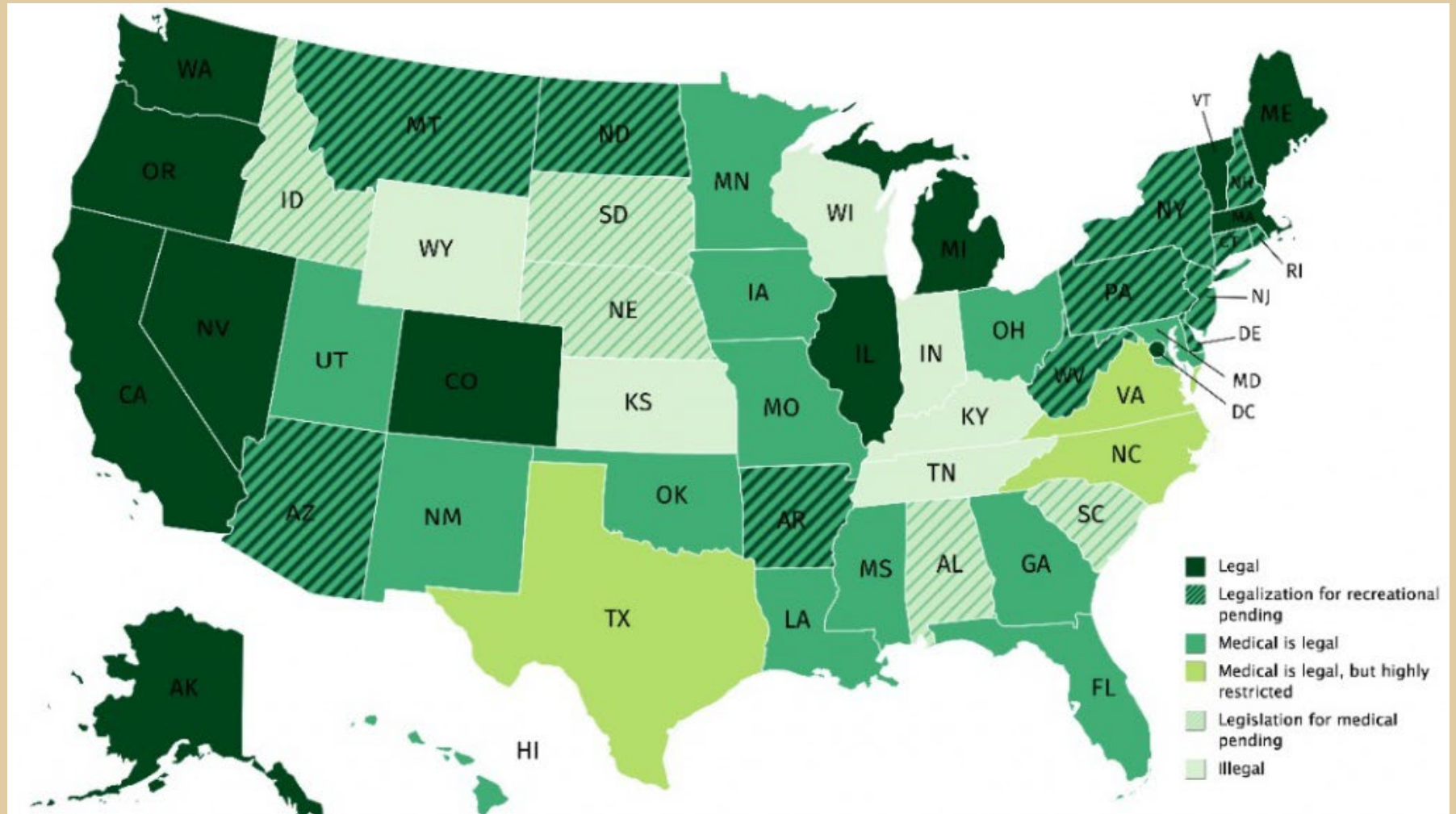
Qualifying Diagnosis

- Inflammatory bowel disease
- Huntington's disease
- Autism
- Neuropathies
- Sickle Cell Anemia
- Cachexia
- Wasting syndrome



What States Allow Medical Marijuana and What the Law Looks Like

Legalized in Many States





Resident Applies for Medical Marijuana Card or has one on Admission

- What do you do.....
- Each Facility has the right to allow or not allow Medical Marijuana in their facilities, but residents need to be informed prior to admission.
- It should be one of the questions that is asked during the screening process.
- If they have their card and are living in your facility and you don't allow them the ability to use, you will be infringing on resident rights.



Resident Applies for Medical Marijuana Card or has one on Admission

- Or you have the right to ask them to move to another facility, with the appropriate 30 day notice regulation followed.



What the Laws Look Like

Are nursing facilities, assisted living facilities and residential care facilities required to allow residents to use medical marijuana if it is legal in your state?

- No, it is not required that they allow the use of medical marijuana as it is still illegal under federal law. It is only a state by state law.
- Marijuana remains a schedule I drug under the Controlled Substance Act and a schedule I drug has the highest potential for abuse
- Providers that accept Medicare and Medicaid funding are required to comply with certain federal standards and laws, thus allowing medical marijuana could put Medicare and Medicaid funds at risk, although, to date no nursing home has been cited for allowing its residents to use medical marijuana pursuant to state laws.



What the Laws Look Like

- Resident must have a qualifying medical condition and if that condition is a mental illness it must be prescribed by a licensed psychiatrist.
- What types of medical marijuana is allowed in your state
- The maximum amount a patient can possess or a physician can prescribe at one time
- Applying for a Medical Marijuana Card and Medical Professional Certification

<https://www.sos.mo.gov/CMSImages/AdRules/csr/current/19csr/19c30-95.pdf>

<https://mo-public.mycomplia.com/#!/mo/register>



How Long-Term Care Facilities can provide Medical Marijuana use Legally- Writing a Policy

Writing a Policy

- If your community decides to allow the use of medical marijuana, you must follow the state laws and regulations governing it.
- There are many issues that arise when devising a policy on medical marijuana that your state may or may not have addressed, like:





Writing a Policy

- *Verify the resident has a valid Medical Marijuana Card – Check the expiration date and place a copy in residents chart and ask resident to carry it with them at all times.
- *Don't laminate card for them, they may lose it, have it mistakenly washed, or unfortunately have an incontinent episode, laminating the card, although it seems like a good idea, makes the card invalid.
- *You can assisted them in printing off a new card by going to: <https://mo-public.mycomplia.com/#!/signin>
Have them sign in and reprint the card for them



Writing a Policy

- Storage
 - Establish how resident will store their legal medical marijuana
 - You can give each resident a small lock box with a key to keep all their medical marijuana in and any paraphernalia in.
 - Suggest to resident they carry the key on a lanyard and keep an extra key locked up in administration in case they loose it.



Writing a Policy

- Administration of the Medical Marijuana
 - Staff are not allowed to administer Medical Marijuana, it is a Class 1 Scheduled Medication, and even though it is prescribed by a physician the resident must keep control of the medical marijuana at all times.
 - Medical Marijuana is ordered prn and residents may indulge as needed, but staff can suggest that they “slow down”, due to safety issues, like fall risk, or an appointment with a physician



Writing a Policy

- Designated Medical Marijuana smoking area
 - * Each Facility must establish an area for residents to smoke marijuana that is away from other residents that come outside to smoke or sit to enjoy the outdoors.

Area Must be at least 30 feet from cigarette smoking area or areas that residents come out to enjoy the outdoors.

This prevents second hand high



Writing a Policy

- Monitoring
 - Each facility must establish a way to monitor the residents smoking medical marijuana to ensure that residents that don't have a medical marijuana don't get a second hand high.



Writing a Policy

- Monitoring
 - Each resident that is smoking in the designated area must be monitored to ensure they don't "share" with a resident that does not have a medical marijuana card.
 - A staff member may monitor from 30 feet with full view of residents or
 - You may install a camera in the medical marijuana area to monitor on a device at the nursing station, but a staff member must be able to access the device to monitor



Writing a Policy

- Procurement
 - All medical marijuana must be purchased from a medical marijuana licensed dispensary.
 - Each dispensary will ask to see their card.
 - Each dispensary will log on-line how much each resident purchased so they don't go over the allowed amount prescribed each month.



Writing a Policy

- What if a resident that doesn't have a medical marijuana card is found to have possession of marijuana?
 - Substance must be confiscated and your county sheriff or local police department must be called to destroy it. Make sure you have this number listed in your policy for staff to have easy access.
 - Residents, family, DPOA or guardian should be notified and if they wish resident to have the ability to possess medical marijuana they will need to apply for a Medical Marijuana card so they may possess it legally.
 - To this day no resident that has been found to possess marijuana has been arrested for possession.



Writing a Policy

- Keep the policy simple, so it's easy for staff compliance, don't set yourself up for failure.

Writing a Policy

- Example Policy

Name of Facility

Legal Medical Marijuana

Date

Approved by:

Purpose: In an effort to promote the safety and well-being of (Facility Name), residents having a Medical Marijuana Card and having Legal Marijuana, will be allowed usage under the following policy guidance.

1. Residents that have a Medical Marijuana card may have Marijuana in their possession that has been purchased from a Licensed Dispensary.
2. The Resident will keep all Marijuana and paraphernalia in a locked box in their room.
3. The Resident will have a key to their lock box and a spare key will be locked in a safe in administration in case resident loses said key.
4. Residents smoking Marijuana will smoke in a designated area and will be monitored by a camera or staff to make sure that it is not shared or given to anyone that does not have a Medical Marijuana Card and other residents are not exposed to second hand high.
5. Staff will stay within 30 feet from the designated area which is fully visible and unobstructed, to monitor residents outside.
6. If monitored by camera, monitor will be located at nursing station.
7. Residents that are smoking cigarettes will smoke in designated area which will be at least 30 feet from designated marijuana smoking area.
8. If a resident is found to have Marijuana or another illegal substance, and they don't hold a Marijuana Card, the substance will be confiscated and County Sheriff will be contacted at (Phone Number), and they will come and pick it up to destroy.
9. The residents family, DPOA and or Guardian will be contacted in regards to situation.



Conclusion

- Remember you don't have to allow medical marijuana in your facility, it's your choice, just let residents know prior to admission that it is banned at your facility or allowed and what the policy is.
- As medical marijuana laws increase now is the time to address whether your facility will allow it and if so, have a policy in place to protect your facility and your residents rights.



Sources

- [Leading Age: 8/2018](#)
- [Health.mo.gov/medical marijuana](http://Health.mo.gov/medical-marijuana)
- Drnatmed.com/medical-marijuana-for-elderly