

**ARE YOU CONTROLLING YOUR CONTROLLED SUBSTANCES
AT YOUR VETERINARY PRACTICE? ©**

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It's a typical morning at the I Love Pets Animal Hospital. Associates are seeing clients, doing surgeries, technicians are caring for boarded pets, bills are getting paid and inventory is getting ordered. For Dr. Doolittle, the practice's owner, life is good.

Then a man walks into reception, identifies himself as a DEA inspector and "requests" to conduct an immediate audit of the practice's controlled substance inventory.

As practice manager Suzie Q performs her normal duties of ordering medications for the practice, something very wrong is taking place. Ever since an automobile accident, Suzie suffers from chronic back pain, but her physician stopped prescribing pain medication because he suspected Suzie was becoming addicted to the drug. Having access to the practice's controlled substance inventory and responsible for ordering its drugs, Suzie has been using Dr. Doolittle's DEA number to sneak her back pain medication in with the practice's drug orders.

Because his DEA number was used, the violations occurred at his practice, and because the practice kept no accurate records of the drugs being ordered, dispensed, or disposed of, Dr. Doolittle is responsible for the violations, and now faces Federal criminal prosecution, and if convicted, fines and jail time.

Does your practice have in place a controlled substance chain of custody procedure? Are the controlled substances in your practice secured? Are complete and accurate logs kept for the ordering, storage, dispensing and disposal of controlled medications?

If you answered "no" to any of these questions, you are at risk of violating the Federal Controlled Substances Act and DEA regulations governing the dispensing, administration, prescription, record keeping, storage, and disposal of controlled substances.

Here are four frequently asked questions regarding your responsibilities as a DEA registrant.

Q: What receiving records must a practice keep when it maintains controlled substances for dispensing and administering to patients?

A: If the particular controlled substance is set forth in Schedule II of the Controlled Substance Act, procurement must be accomplished by using DEA Form 222. If the drug is listed in Schedules III through V, then a readily retrievable invoice is sufficient.

These records should contain the date, drug type, dosage form, etc. You must also maintain an inventory of the drugs received and dispensed, including:

- ✓ the date when drug was dispensed;
- ✓ a description of the drug (name, strength/concentration, dose, and quantity); and
- ✓ whether the drug was administered at the hospital or dispensed to the client to be administered at home.

During an audit, the DEA may require you to produce the above information for all controlled substances dispensed during the two years preceding the date of the audit. Accordingly, you must keep all purchasing documents, administering and dispensing records, inventory reports, security and employee authorization documents, DEA order forms and disposal and loss records for at least two years.

Keeping accurate logs is particularly challenging when the chain of custody changes due to multiple shifts. If several different persons are responsible for monitoring the drugs throughout the day, and not everyone follows the same protocol or security procedures, then you will sooner or later suffer a breakdown in the chain of custody. This problem is particularly acute for emergency and specialty practices, which tend to go through a high volume of drugs. Mistakes can lead to theft, misuse, malpractice and sometimes jail.

As further discussed below, you must also follow mandatory DEA procedures governing the proper disposal of controlled substances.

Q: Are there any special security measures that a practice should take if it maintains a stock of controlled substances?

A: All controlled substances should be stored in a locked cabinet or other secure storage container and the practice personnel's access to same must be limited.

Q: What reports must be filed if a practice experiences a theft or loss of a controlled substance?

A: All controlled substance thefts and losses **must** be reported to the DEA **immediately** upon discovery of the theft or loss, by completing and filing a DEA Form 106, *Report of Loss or Theft*. (Form 106 can be found online at the DEA's Diversion Control Program Web site, www.dea diversion.usdoj.gov.)

If the circumstances of the theft or loss are not immediately known, the DEA recommends that you fax them an initial notification on practice letterhead. If your enquiries continue for more than two months, you should update the DEA. You must then file DEA Form 106 upon completing your investigation.

Q: How do I report breakage or spillage of controlled substances?

A: Breakage or spillage of controlled substances does not constitute a "loss". When there is breakage, damage, spillage or some other form of destruction, any **recoverable** controlled substances must be disposed of by sending them to a "reverse distributor", or by another DEA approved process. The DEA recommends that any registrant seeking to dispose of controlled substances first contact the nearest DEA Diversion Field Office for guidance. (In no event should drugs be forwarded to the DEA without its prior approval.)

In connection with any such disposal, you will need to file DEA Form 41: *Registrants Inventory of Drugs Surrendered*.

Caution: the DEA procedures do *not* pre-empt state laws or regulations governing the disposal of controlled substances. Those laws must also be complied with.

If the breakage or spillage is **not** recoverable, at least two individuals who witnessed the incident must document the circumstances of the breakage or spillage in the practice's inventory records. (DEA Form 41 is not required for non-recovered controlled substances.)

One of the most important ways to protect your practice from DEA scrutiny, including, an unannounced audit or inspection, is to ensure that all veterinarians who prescribe, dispense, administer or dispose of controlled substances be registered with the DEA. While the DEA does not require every person in your practice who handles or dispenses controlled substances to pass a background check, it is recommended that you do so, because it is you, the registrant, who is ultimately responsible for any misuse or mistakes.

While it is certainly cumbersome to comply with all of the regulations governing controlled substances, it happens to be the law, and your practice, livelihood and freedom are at stake. Please visit the DEA website at <http://www.justice.gov/dea/pubs/csa.html> for more information.