



DEA's New Rules allow Hospitals and Clinics with On-Site Pharmacies to Receive Unused or Unwanted Prescription Drugs

The Drug Enforcement Administration (DEA) recently released new rules that will allow hospitals and clinics with pharmacies to modify their registration with the DEA and become authorized collectors of unwanted pharmaceuticals.¹ The rules take effect on October 9, 2014 and allow registered facilities to operate collection receptacles at their registered locations. Hospitals and clinics with pharmacies will also be able to operate collection receptacles at long-term care facilities. Further, the rules permit collectors with an on-site destruction capability to operate mail-back programs.

The new rules are a response to the substantial threat that unused medications pose to public health and safety. The DEA reports that approximately seventy percent of people who misuse prescription painkillers for the first time obtain the drugs from home medicine cabinets, friends, or other relatives. Michael Botticelli, Acting Director of Drug Control Policy explained that "...if we remove unused painkillers from the home, we can prevent misuse and dependence from ever taking hold." He believes that "[t]hese regulations will create critical new avenues for addictive prescription drugs to leave the home and be disposed of in a safe, environmentally friendly way."

The DEA specifically identified hospitals and clinics with pharmacies because of the increased security precautions already in place at those locations. Facilities that already have pharmacies on site routinely handle large volumes of controlled substances and are more experienced with security, theft, and loss prevention procedures. Additionally, those facilities have more experience maintaining detailed pharmaceutical records and complying with reporting requirements.

In addition to security precautions already in place at collection facilities, the DEA's new rules require collectors to place receptacles in areas that are regularly monitored by employees. Moreover, collection receptacles are expressly prohibited in areas where urgent care is provided because of the inherently chaotic environment and high risk of theft. Finally, the new rules prevent registered locations from disposing of unused controlled substances in their own inventory. While the new rules will require facilities to make changes to many policies and procedures, it is likely that they will help protect both the public and the environment from unused controlled substances.

If you have questions regarding the DEA's new rules allowing hospitals and clinics with pharmacies to receive unused or unwanted pharmaceuticals please feel free to contact Jerry Canaan, jcanaan@hdjn.com or Clay Landa, clanda@hdjn.com. They can also be reached by phone at (866) 967-9604. Additional information about Hancock, Daniel, Johnson & Nagle, P.C. is available on the firm's website at www.hdjn.com.

¹ Disposal of Controlled Substances, 79 Fed. Reg. 174, 53521-53523 (September 9, 2014) (to be codified at 21 C.F.R. 1317pt.40 and 1317pt.70); Drug Enforcement Administration, DEA Releases New Rules That Create Convenient But Safe and Secure Prescription Drug Disposal Options, Sept 8, 2014, <http://www.justice.gov/dea/divisions/hq/2014/hq090814.shtml> (last visited 9/12/2014).

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