



Practitioner Diversion Awareness Conference

Inventories, Records and Reports

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Course Objectives

- **Discuss who is responsible for maintaining controlled substance records.**
- **General recordkeeping requirements.**
- **Basic inventory requirements.**
- **Required records of receipt and distribution.**
- **Determine when and what reports are required to be submitted.**



Questions To Discuss

At the completion of this block of instruction you will be able to answer the following questions:

- 1. Are Practitioners required to keep records of all controlled substances on hand, to include samples such as Lyrica®?**
- 2. Who is ultimately responsible for keeping records of controlled substances at the registered location?**



Questions To Discuss

- 3. If a practitioner writes controlled substance prescriptions, using their special “X” identifier for maintenance and detoxification they must keep a record of the prescription information?**
- 4. How many controlled substances can a practitioner distribute in a calendar year to other dispensers before the practitioner must register as a distributor?**
- 5. If a practitioner discovers a theft or significant loss of controlled substances, when must the theft or loss be reported?**



KEEP
CALM
IM
MEDICAL
RECORDS

Who Must Keep Records?



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Who Must Keep Records

- A practitioner who administers, dispenses, procures, or stores controlled substances (including samples).

21 CFR § 1304.03(b)

- A practitioner is not required to keep records of controlled substances **unless they are:**

- **prescribed**



Who Must Keep Records

- Practitioners uses Electronic Prescriptions for Controlled Substances (EPCS) to issue prescriptions

21 CFR § 1304.03(c)

or

- prescribing during the course of maintenance or detoxification treatment.

21 CFR § 1304.03(c) & (d)



Responsible Party

21 CFR § 1304.03(a)

The DEA **registrant** is the person who is responsible for keeping controlled substance records.

- Not your nurse
- Not your office manager
- Not your corporation
- Not your vendor
- Not your employer



Electronic Prescription for Controlled Substances (EPCS) PRESCRIBERS

A practitioner who issues electronic prescriptions for controlled substances (EPCS) must use an electronic prescription application that retains the following information:



EPCS Prescribers

- The **digitally** signed record of the information specified in:

21 C.F.R. Part 1306.

21 C.F.R. 1304.06(a)(1)

- The internal audit trail and any auditable event identified by the internal audit as required by **21 C.F.R. § 1311.150.**

21 C.F.R. 1304.06(a)(2)



EPCS Prescribers

- **An institutional practitioner must retain a record of identity proofing and issuance of the two-factor authentication credential, where applicable, as required by 21 C.F.R. § 1311.110.**

21 C.F.R. 1304.06(b)

- **Must retain a copy of any security incident report filed with the Administration pursuant to 21 C.F.R § 1311.150 and § 1311.215.**

21 C.F.R. § 1304.06(d)



EPCS Prescribers

- An electronic prescription or pharmacy **application provider** must retain third party audit or certification reports as required by 21 C.F.R § 1311.300.
[21 C.F.R. § 1304.06\(e\)](#)
- An application provider must retain a copy of any notification to the Administration regarding an adverse audit or certification report filed with the Administration on problems identified by the third-party audit or certification as required by 21 C.F.R. § 1311.300.
[21 C.F.R. 1304.06\(f\)](#)



EPCS Prescribers

- **Unless otherwise specified, records and reports must be retained for two years.**

21 C.F.R. § 1304.06(g)

Be Careful!!!





Maintenance and Detox Prescribers

- Prescription records are required for prescribers who issue controlled substance prescriptions for maintenance or detoxification.

[21 C.F.R. § 1304.03\(c\)](#)

- Records of prescription information must be maintained separate from all other required records and readily retrievable.

[21 C.F.R. § 1304.04\(g\)](#)



Maintenance and Detox Prescribers

- **Practitioners who dispense controlled substances for maintenance and/or detoxification must maintain the same records as any other dispensing practitioner.**

21 C.F.R. § 1304.22(c)



General Recordkeeping





General Record Keeping Requirements

Requirements that apply to all controlled substance records required to be kept:

- **Must be complete and accurate.**
[21 C.F.R. § 1304.21\(a\)](#)
- **Must be stored at the registered location.**
[21 C.F.R. § 1304.21\(b\)](#)
- **Must be kept for two years.**
[21 C.F.R. § 1304.04\(a\)](#)



General Record Keeping Requirements

- **Must be readily retrievable.**
[21 C.F.R. § 1304.04\(f\)\(2\)](#)
- **Records must be kept for each separate DEA registered **activity**.**
[21 C.F.R. § 1304.21\(c\)](#)
- **Must be kept for each DEA registered location.**
[21 C.F.R. § 1304.21\(b\)](#)

**Organized
Records
Makes you
Super Doc!**





Inventories



Inventory Requirements

- **“Physical Count”**
- **Must include all controlled substances “On Hand” (In possession/under the control of). [\(21 CFR §1304.11\(a\)](#)**



Inventory Requirements

- **Inventory date must reflect the date of the actual inventory.**
- **Maintained in Written, Typewritten, or Printed Form at the Registered Location.**

[21 C.F.R. § 1304.11\(a\)](#)



Separate Inventories

- **Separate inventories are required for each registered location.**
[21 C.F.R. § 1304.11\(a\)](#)
- **Must be taken at the Beginning of Business (BOB) or Close of Business (COB).**
[21 C.F.R. § 1304.11\(a\)](#)
- **Separate inventories for each independent activity.**
[21 C.F.R. § 1304.11\(a\)](#)



Initial Inventories

- Inventory of all stocks of controlled substances.
- On the date you first engage in the manufacture, distribution, or dispensing of controlled substances.
- Best if labeled **“Initial Inventory.”**
- If nothing on hand record **“0.”**



Biennial Inventories

- The **biennial inventory** is required to be taken on any date **within two years of a previous required inventory.**
- Again, Best if labeled “Biennial Inventory.”



Newly Scheduled Controlled Substances

- **When a controlled substance is newly scheduled or rescheduled a physical inventory must be taken immediately.**
- **Must be taken at the Beginning of Business or Close of Business.**



Each Inventory must **contain** the following:

1. **When** was it taken at the **beginning** or **close** of business.
2. **Names** of controlled substances.
3. Each **finished** form of substances (e.g. 100 milligram tablet).
4. The **number of dosage units** of each finished form in the commercial container (e.g. **100 tablet bottle**).
5. The **number of commercial containers** of each finished form (e.g. four **100 tablet bottles**).
6. **Disposition** of the controlled substances.



Records





Separate Schedule II Records

- **Schedule II controlled substance records shall be maintained separately from all other records.**



Separate Schedule III-V Records

- Records of schedules **III-V** controlled substances must be kept separate from all other records or readily retrievable.
- Records that are readily retrievable can be separated out in a reasonable time.

[21 C.F.R. § 1300.03](#)



Separate Schedule III-V Records

- **Some examples of ways to render your records readily retrievable include but not limited to:**

21 C.F.R. § 1300.01

- **Items asterisk**
- **Redlined**
- **Or in some manner which sets them visually apart.**



DEA Form 222

- The **DEA Form 222** is used for the acquisition and distribution of schedule **II** controlled substances.
- The DEA Form 222 must be filled out completely and accurately.
- Power of Attorney **authorizing** who may execute a DEA Form 222.



Power Of Attorney

- The **signer** of the DEA application or renewal is the individual **authorized to execute DEA Form 222's**.
- **All others authorized** who wish to execute a DEA Form 222 **must** first obtain a Power of Attorney from the signer.



Purchase Records CIII-CV

- **Must immediately inventory all schedule **III-V** controlled substances when received.**
- **Annotate the date received on the record of receipt.**



Dispensing Log/Patient File

Dispensing of controlled substances can be entered in patient chart or can be maintain in a dispensing log with the below information:

- **Actual Name** of Controlled Substance, Form, Quantity, Strength;
- ***Number of Units or Volume*** of Finished Form Dispensed;
- **Name, Address of the Person** to Whom It Was Dispensed;
- **Date of Dispensing.**



Transferring Controlled Substances

What to do if you need to **transfer** controlled substances to **another DEA Registrant**.

- **Must use a DEA Form 222 (CII).**
[21 CFR 1307.11\(a\)\(1\)\(iii\)](#)
- **Must use a sales invoice for (CIII-CV).**
[21 CFR 1307.11\(a\)\(1\)\(ii\)](#)



Transferring Controlled Substances

- **5% of your yearly total. “5% RULE”**
21 CFR 1307.11(a)(1)(iv)

- **If more you must register as a distributor.**
21 CFR 1307.11(b)



Reports



Theft and Loss

- **Theft, or Significant Loss.**
- **Not an Inventory Adjustment.**
- **Loss (Unexplained Disappearance).**
- **Any discovered shortage which the practitioner cannot convincingly establish to have been diverted after reasonable review/investigation should generally be considered a loss.**



Theft and Loss Reporting

- **Must report a theft or significant loss to DEA in writing **within one business day.****
21 C.F.R. § 1301.76(b)
- **Must complete a DEA form 106, online, once your investigation is complete.**
21 C.F.R. § 1301.76(b)
- **Registrants are encouraged to immediately report theft and losses to your local law enforcement and state regulatory agency.**



Destruction of Controlled Substances

- **DEA Form 41 shall be used to record the destruction of all controlled substances using an on-site method that renders the controlled substances non-retrievable.**
- **DEA Form 41 shall include the names and signatures of the two employees who witnessed the destruction.**

21 CFR § 1317.95(d)



Destruction of Controlled Substances

- The DEA Form 41 **no longer needs** to be sent to the Division Office, please maintain with your other records.



Destruction of Controlled Substances

Exceptions for DEA Form 41:

- Destruction of a controlled substance dispensed by a practitioner for immediate administration at the practitioner's registered location, **when the substance is not fully exhausted (i.e. wastage)** shall be properly recorded in accordance with § **1304.22(c)**, and such record need not be maintained on a Form 41.

21 C.F.R. § 1304.21(e)



Destruction of Controlled Substances

Exceptions for DEA Form 41:

- Transfers by registrant to a reverse distributor must be recorded in accordance with § 1304.22(c), and such record need not be maintained on a Form 41.

21 C.F.R. § 1304.22(e)



Security

- **Registrants** are required to provide effective controls and procedures to guard against theft and diversion of controlled substances.

[21 C.F.R. § 1301.71\(a\)](#)

- **Registrant cannot** employ anyone who has a **felony** drug conviction who will have access to controlled substance, without a DEA approved employment waiver.

[21 C.F.R. § 1301.76\(a\)](#)



Security

- Practitioners are required to store stocks of CII-CV controlled substances in a securely locked, substantially constructed cabinet.

[21 C.F.R. 1301.75\(b\)](#)



State Regulations

- **Also consult your state regulating agency for more strict recordkeeping requirements.**
- **Example - some state boards require records be kept for 7 years.**
- **Stricter Law Provision.**

THE MOMENT YOU HAVE BEEN WAITING FOR!!!

Post Questions





Post Questions

1. Practitioners are required to keep records of all controlled substances on hand, to include samples such as Lyrica®?

A. True

B. False



Post Questions

- 2. Who is ultimately responsible for keeping records of controlled substances at the registered location?**
- A. Licensed Practical Nurse**
 - B. Office Manager**
 - C. DEA Registrant**
 - D. Corporation**



Post Questions

3. If a practitioner writes controlled substance prescriptions, using their special “x” identifier for maintenance and detoxification they must keep a record of the **prescription information**?
- A. True
 - B. False



Post Questions

- 4. How many controlled substances can a practitioner distribute in a calendar year to other dispensers before the practitioner must register as a distributor?**
- A. 40%**
 - B. 20%**
 - C. 60%**
 - D. 5%**



Post Questions

- 5. If a practitioner discovers a theft or significant loss of controlled substances, when must the theft or loss be reported?**
- A. On a DEA Form 106 upon completion of the investigation of the theft or loss.**
 - B. In writing to DEA within 1 business day of discovery of the theft and loss.**
 - C. DEA must be notified upon completion of the local police departments investigations.**
 - D. DEA is not required to be notified.**



*Thank-you for your
time and attention!*

