got compliance?

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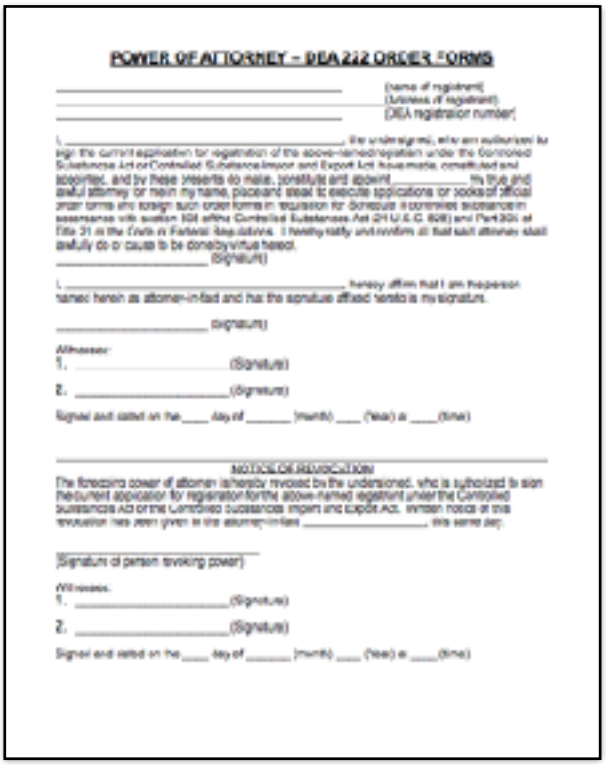
presents

DEA Basics for ASCs in 4 forms

1. Power of Attorney

A **power of attorney** (POA) is a document that allows the DEA Signatory to appoint a person to sign DEA 222 Forms. If there is no POA in place, the initial signatory to the DEA Application is the only person allowed to sign these forms.



POWER OF ATTORNEY – DEA 222 ORDER FORMS

_____ (name of registrant)
_____ (address of registrant)
_____ (DEA registration number)

I, _____, the undersigned, who am authorized to sign the current application for registration of the above-named registrant under the Controlled Substances Act or Controlled Substances Import and Export Act, as amended and appointed, and by these presents do make, constitute and appoint _____ my true and lawful attorney for me in my name, place and stead to execute applications or orders of official order forms and foreign import order forms in requisition for Schedule II controlled substances in accordance with section 828 of the Controlled Substances Act (21 U.S.C. 828) and Part 1305 of Title 21 of the Code of Federal Regulations. I hereby ratify and confirm all that said attorney shall lawfully do or cause to be done by virtue hereof.

_____ (Signature)

I, _____, hereby affirm that I am the person named herein as attorney-in-fact and that the signature affixed hereto is my signature.

_____ (signature)

Witnesses:
1. _____ (Signature)
2. _____ (Signature)

Signed and dated on the ____ day of _____ (month), ____ (Year) at ____ (time)

NOTICE OF REVOCATION

The foregoing power of attorney is hereby revoked by the undersigned, who is authorized to sign the current application for registration for the above-named registrant under the Controlled Substances Act or the Controlled Substances Import and Export Act. Written notice of this revocation has been given to the attorney-in-fact _____, this same day.

_____
(Signature of person revoking power)

Witnesses:
1. _____ (Signature)
2. _____ (Signature)

Signed and dated on the ____ day of _____ (month), ____ (Year) at ____ (time)

POWER OF ATTORNEY: Title 21 Code of Federal Regulations Part 1305.5

"A registrant may authorize one or more individuals, whether or not located at his or her registered location, to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for each such individual, if the power of attorney is retained in the files, with executed Forms 222 where applicable, for the same period as any order bearing the signature of the attorney. The power of attorney must be available for inspection together with other order records."

2. Biennial Inventory

The DEA Requires an accurate record of all controlled substances once every 2 years. The forms that this special count is documented upon have specific requirements.

My recommendation is to include: (See example at end)

- Name of Registrant
- DEA Registration Number
- Address of Registrant
- When the inventory was taken:
  Specifically at “Open or Close Business”
- Names/Signatures of who completed inventory
- Medication: Name, Strength, Dosage Form, and Quantity

BIENNIAL INVENTORY: Title 21 Code of Federal Regulations Part 1304.11

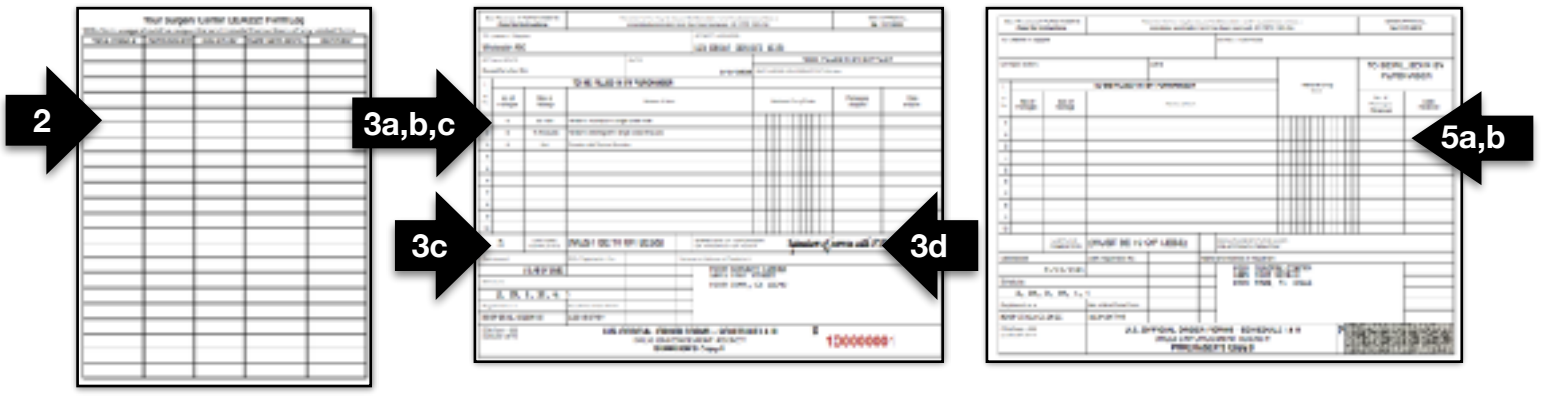
Inventory Requirements

“After the initial inventory is taken, the registrant shall take a new inventory of all stocks of controlled substances on hand at least every two years. The biennial inventory may be taken on any date which is within two years of the previous biennial inventory date.”

HINT: Did you know that all DEA Schedule Medications are required to have the DEA Schedule Logo on their Packaging?

3. DEA 222 Forms

1. Keep these forms locked up and secure.
2. Consider keeping a log. These come in packets of 10, and have serial numbers. Then you can tell easily if one has been diverted.
3. Complete DEA 222 forms correctly, or your wholesaler will not be able to fulfill your order.
    a. Indicate No. of Packages and Size of Package accurately.
    b. In the Name of Item, indicate Medication Name and Strength exactly as it appears on the wholesaler's ordering website.
    c. Indicate the "LAST LINE COMPLETED" This means if 3 lines were used to order 3 medications, then you indicate, "3"
    d. Have the person with POA Sign form.
4. Wholesalers do not generally check the signature against who has Power of Attorney (POA), so it is your responsibility to ensure anyone who signs these forms has POA.
5. When you receive your order, be sure to complete "Purchaser's Copy 3" correctly
    e. Indicate No. of Packages Received
    f. Indicate Date Received (If there is more than one line, do not use "Hash Tags" or other shortcut to indicate same as above. Fill the date in each line)
    g. I recommend having the person receiving the product also signs the DEA 222 form upon receipt.
6. See filing requirements on the next page.



3. DEA 222 Forms

Procedure for filling DEA FORMS 222
Title 21 Code of Federal Regulations Part 1305.13

a) A purchaser must submit Copy 1 and Copy 2 of the DEA Form 222 to the supplier and retain Copy 3 in the purchaser's files.

b) A supplier may fill the order, if possible and if the supplier desires to do so, and must record on Copies 1 and 2 the number of commercial or bulk containers furnished on each item and the date on which the containers are shipped to the purchaser. If an order cannot be filled in its entirety, it may be filled in part and the balance supplied by additional shipments within 60 days following the date of the DEA Form 222. No DEA Form 222 is valid more than 60 days after its execution by the purchaser, except as specified in paragraph (f) of this section.

c) The controlled substances must be shipped only to the purchaser and the location printed by the Administration on the DEA Form 222, except as specified in paragraph (f) of this section.

d) The supplier must retain Copy 1 of the DEA Form 222 for his or her files and forward Copy 2 to the Special Agent in Charge of the Drug Enforcement Administration in the area in which the supplier is located. Copy 2 must be forwarded at the close of the month during which the order is filled. If an order is filled by partial shipments, Copy 2 must be forwarded at the close of the month during which the final shipment is made or the 60-day validity period expires.

e) The purchaser must record on Copy 3 of the DEA Form 222 the number of commercial or bulk containers furnished on each item and the dates on which the containers are received by the purchaser

f) DEA Forms 222 submitted by registered procurement officers of the Defense Supply Center of the Defense Logistics Agency for delivery to armed services establishments within the United States may be shipped to locations other than the location printed on the DEA Form 222, and in partial shipments at different times not to exceed six months from the date of the order, as designated by the procurement officer when submitting the order.

4. Filing of DEA Records

BEST PRACTICES

1. **Keep all DEA Records at least 3 years. (California Law)**
2. **File your DEA Biennial Inventory separate from other records.**
3. **File your DEA Schedule II records separate from other records.**
4. **File your DEA 222 "Purchaser's Copy 3" Forms separate from other records.**
   - Be sure the DEA 222 "Purchaser's Copy 3" forms have been completed properly. (See above)
   - Best practice is to have the medications checked in by two licensed personnel, and have them both sign/initial both the DEA 222 form and the invoices.
5. **File your DEA Schedule III-V records separate from other records.**
   - Best practice is to have the medications checked in by two licensed personnel, and have them both sign/initial the invoices.
6. **Keep completed Power of Attorney Forms Available.**
7. **Retain Narcotic Logs and Anesthesia Records in an available location.**

Maintenance of Records and Inventories
Title 21 Code of Federal Regulations Part 1304.04

(f) Each registered manufacturer, distributor, importer, exporter, narcotic treatment program and compounder for narcotic treatment program shall maintain inventories and records of controlled substances as follows:

(1) Inventories and records of controlled substances listed in Schedules I and II shall be maintained separately from all of the records of the registrant; and

(2) Inventories and records of controlled substances listed in Schedules III, IV, and V shall be maintained either separately from all other records of the registrant or in such form that the information required is readily retrievable from the ordinary business records of the registrant.

DEA Biennial Inventory PAGE 1

Registrant name:_____, M.D.
DEA # of Registrant_____
Address_____
Open [ ] Close [ ] of business on _____Date

Signature of persons performing inventory _____/_____
Printed name of persons performing inventory _____/_____

SCHEDULE II			
DRUG	**STRENGTH**	**DOSAGE FORM**	**QUANTITY**

INSTRUCTIONS ON PAGE 3

DEA Biennial Inventory PAGE 2

Registrant name:_____, M.D.
DEA # of Registrant_____
Address_____
Open [ ] Close [ ] of business on _____Date

Signature of persons performing inventory _____/_____
Printed name of persons performing inventory _____/_____

SCHEDULE III - V			
DRUG	**STRENGTH**	**DOSAGE FORM**	**QUANTITY**

INSTRUCTIONS ON PAGE 3

DEA Biennial Inventory

Subject: DEA Biennial Controlled Drug Inventory

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All controlled drugs under the Medical Director's, or facility, controlled drug license, regardless of Schedule, must be listed including the following information:

- Whether the inventory was taken at the opening or close of business
- The signature(s) of the person(s) conducting the inventory
- A separate listing of Schedule II drugs from the collective listing of Schedules III, IV, and V. Y
- The name, address, and DEA number of the registrant using the facility address
- Listing shall include name, strength, type, and amounts of controlled drug

  Example:

SCHEDULE II			
DRUG	**STRENGTH**	**DOSAGE FORM**	**QUANTITY**
Fentanyl	100 mcg./2 ml.	ampule	1945

  - I have provided forms with this memorandum. Please do not hesitate to call me with any questions
  - REMEMBER! Do not mail these forms to me or anyone else upon completion. They are to remain on file in the facility for a minimum of 3 years
  - Special Note: Some of our sites have physician offices attached. We would suggest that if those offices also stock controlled drugs that these forms be used for a SEPARATE inventory
  - Propofol is NOT a controlled drug at this writing and need not be inventoried for this record.