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A CULTURE OF SECURITY

Preventing DEA Scheduled Medication Diversion in the ASC

Gregory Tertes, R.Ph.
ASC Pharmacist Consultants

ASC Pharmacist Consultants

Learning Objectives

- Recognize the need for an extensive DEA Scheduled Medication Diversion Prevention Program.
- Understand that there is more to Diversion Prevention than the paperwork. We're calling it a Culture of Security.
- Analyze the current system for tracking DEA Controlled Substances and Close all the Loopholes

Required Documentation



View 2018 webinar here:

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Diversion Prevention

Create a ***culture*** of security.

Prevent “leaks”.



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Diversion *in the News*

BECKER'S ASC REVIEW

Nurse sentenced to 4 years for stealing fentanyl from ASC

Patsy Newitt - Tuesday, June 27th, 2023

Save Post Tweet Share Listen Text Size Print Email

A former nurse who stole medical-grade fentanyl and replaced it with saline while working at Surgery Center at Jensen Beach (Fla.) was sentenced to four years in prison, *TCPalm* reported June 27.

According to the indictment, from February to April 2022, Catherine Dunton removed liquid fentanyl from nearly 450 vials, filled them with saline and returned the tainted vials for use during surgical procedures. She self-administered the fentanyl and pleaded guilty in April to a count of tampering with a consumer product.

Ms. Dunton was also ordered to serve four years of federal supervision following her release.

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Diversion *in the News*

BECKER'S ASC REVIEW

Iowa nurse sentenced for stealing fentanyl from ASC

Carly Behm - Wednesday, June 5th, 2024

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A Cedar Rapids, Iowa, nurse was sentenced Jan. 21 to five years of probations and fined $10,000 after pleading guilty to diverting fentanyl from an ASC for her own use.

According to court documents, 52-year-old Sabrina Thalblum was sentenced to five years probation. She pleaded guilty July 21 to acquiring a controlled substance by misrepresentation, fraud, deception and subterfuge, and one count of adulteration and misbranding with intent to defraud and mislead.

Ms. Thalblum allegedly admitted that from August 2018 to August 2019 she was an unlawful user of fentanyl. She admitted to abusing her registered nurse position to gain access to fentanyl for her own use from a local ASC, her employer.

Ms. Thalblum also must forfeit her nursing license

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Diversion *in the News*

BECKER'S ASC REVIEW

Physician admits to stealing fentanyl from hospital

Patsy Newitt - Monday, April 29th, 2024

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An anesthesiologist formerly employed by Lakewood Medical Center in Lee's Summit, Mo., pleaded guilty to stealing fentanyl from the hospital.

Roman Peplinski, MD, admitted he illegally obtained fentanyl from the hospital by misrepresenting it was for a patient on Nov. 5, 2022, the Justice Department said in an April 25 news release.

Dr. Peplinski, who also worked at Union Hill Group and Truman Medical Center, both in Kansas City, Mo., also admitted to withdrawing fentanyl from three vials from Sept. 1 to Nov. 30, 2022.

In February 2023, Lakewood Medical Center reported that three vials of fentanyl exhibited signs of tampering, according to the release. In March 2023, seven vials suspected of tampering were sent to a forensic laboratory. Of the seven vials, three showed evidence of being tampered with, one contained no fentanyl and two contained a small amount of fentanyl.

Dr. Peplinski pleaded guilty to one count of obtaining a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

Diversion *in the News*

BECKER'S ASC REVIEW

Oklahoma anesthesiologist convicted for stealing drugs

Patsy Newitt - Friday, July 19th, 2024

Save Post Tweet Share Listen Text Size Print Email

An anesthesiologist in Oklahoma City, Okla., was convicted to up to 72 years in prison for stealing controlled substances, local Fox affiliate KOKH reported July 19.

John Nedza, MD, was convicted of 18 counts of obtaining a controlled substance by deceit or subterfuge.

Dr. Nedza, who was contracted at an Oklahoma City hospital, diverted substances including fentanyl, ketamine, dilaudid and midazolam by falsely claiming the drugs were for patient surgeries.

According to the report, the surgeries were not scheduled for or done by Dr. Nedza, and on at least six occasions, claimed to have disposed of the substances but kept them for personal use.

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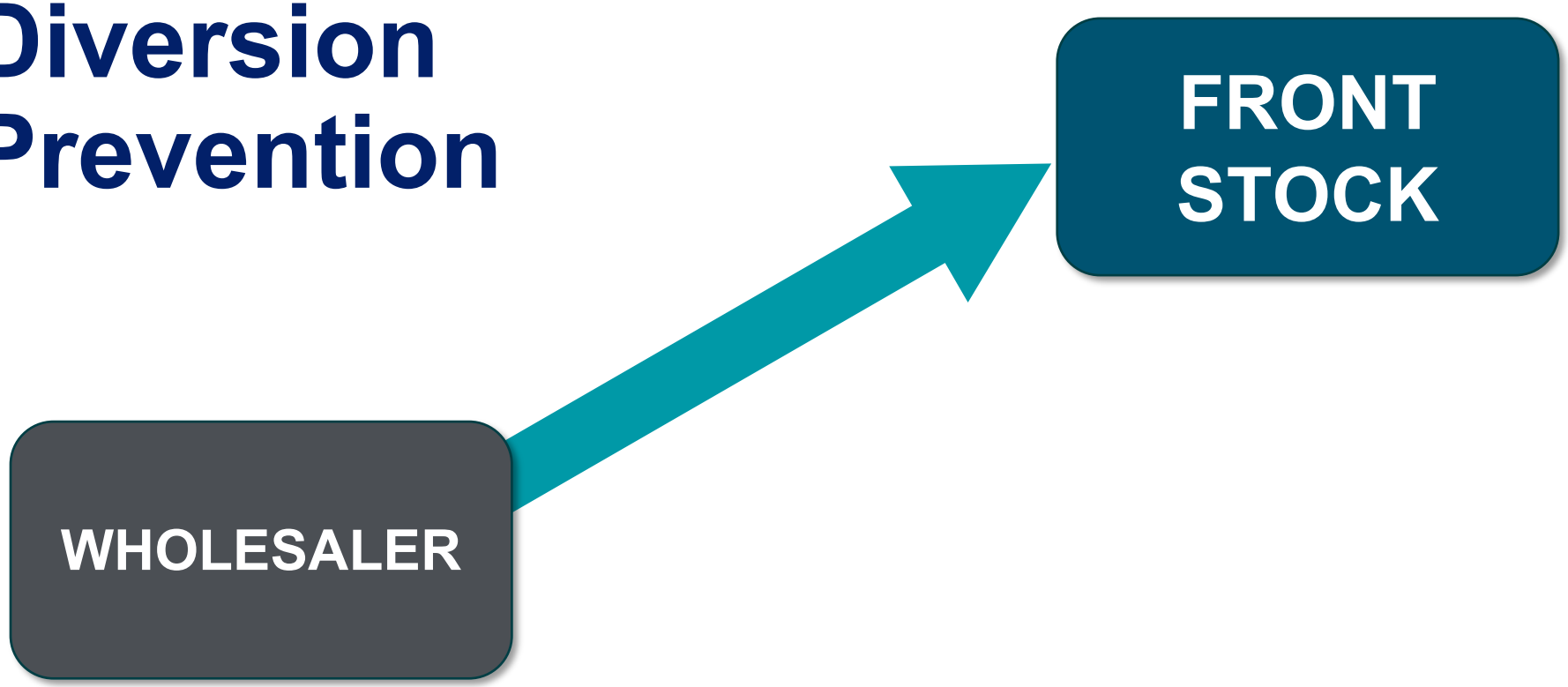
WHOLESALER

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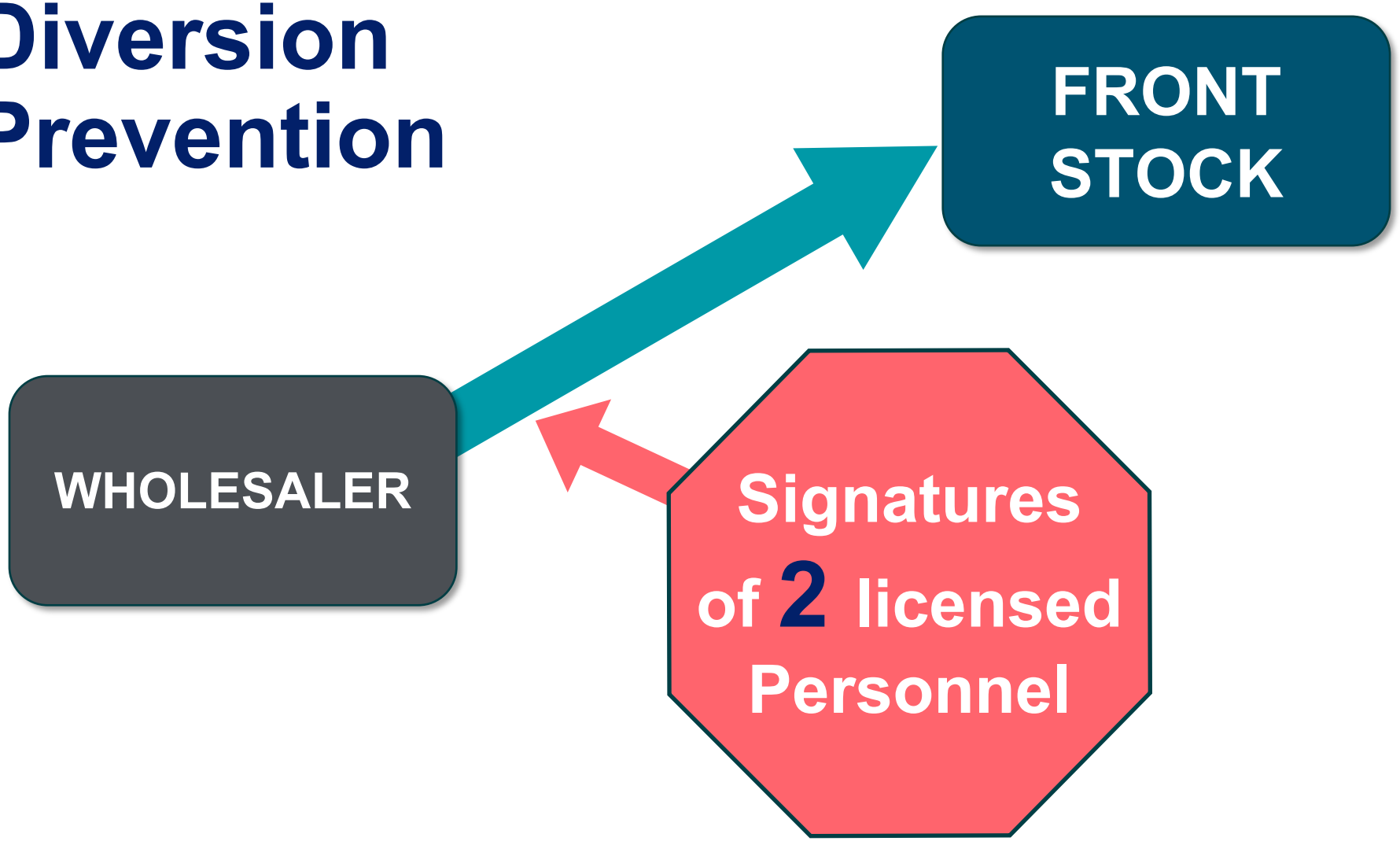


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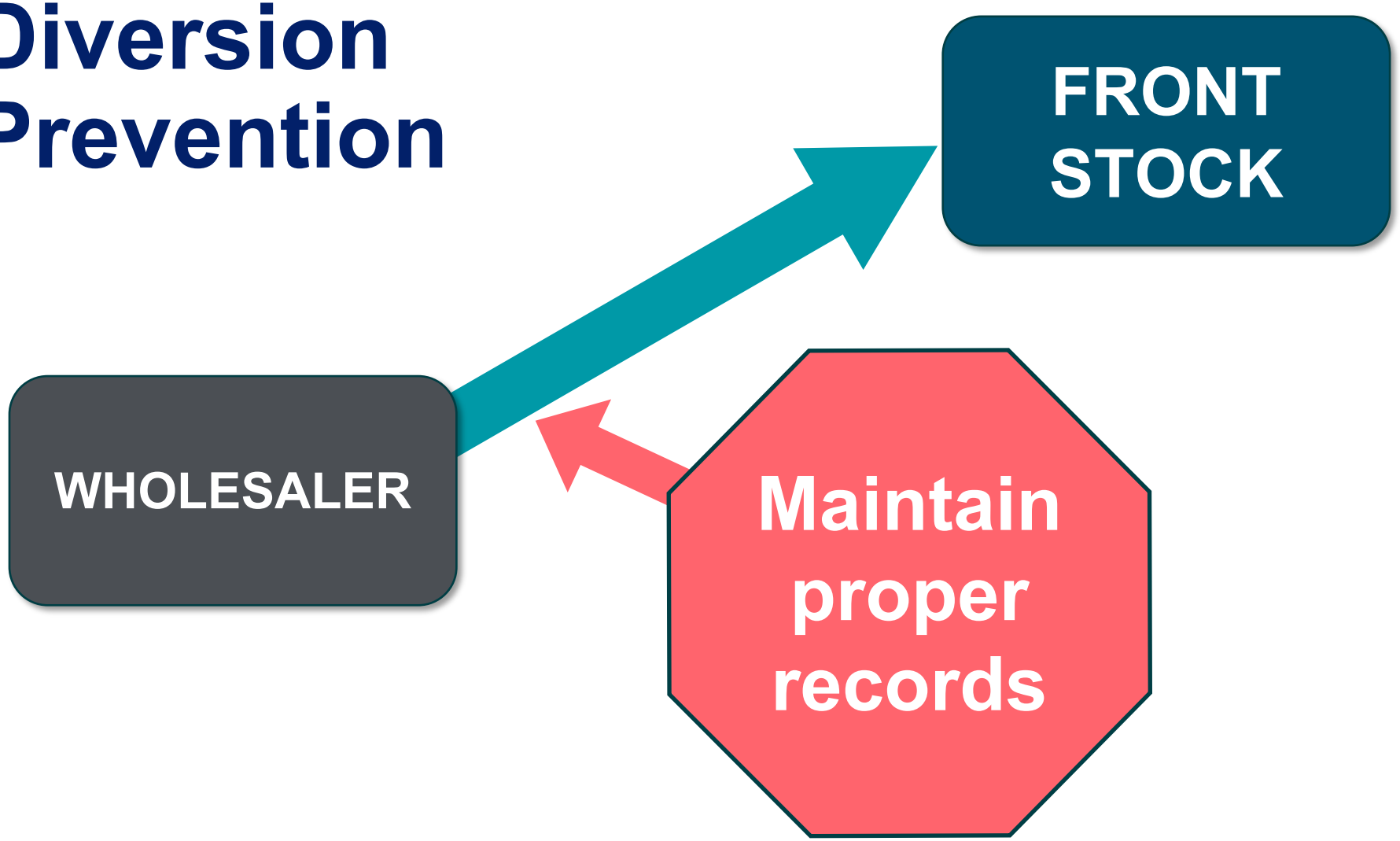


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FRONT STOCK

WHOLESALER

Maintain proper records

DEA Records Binder

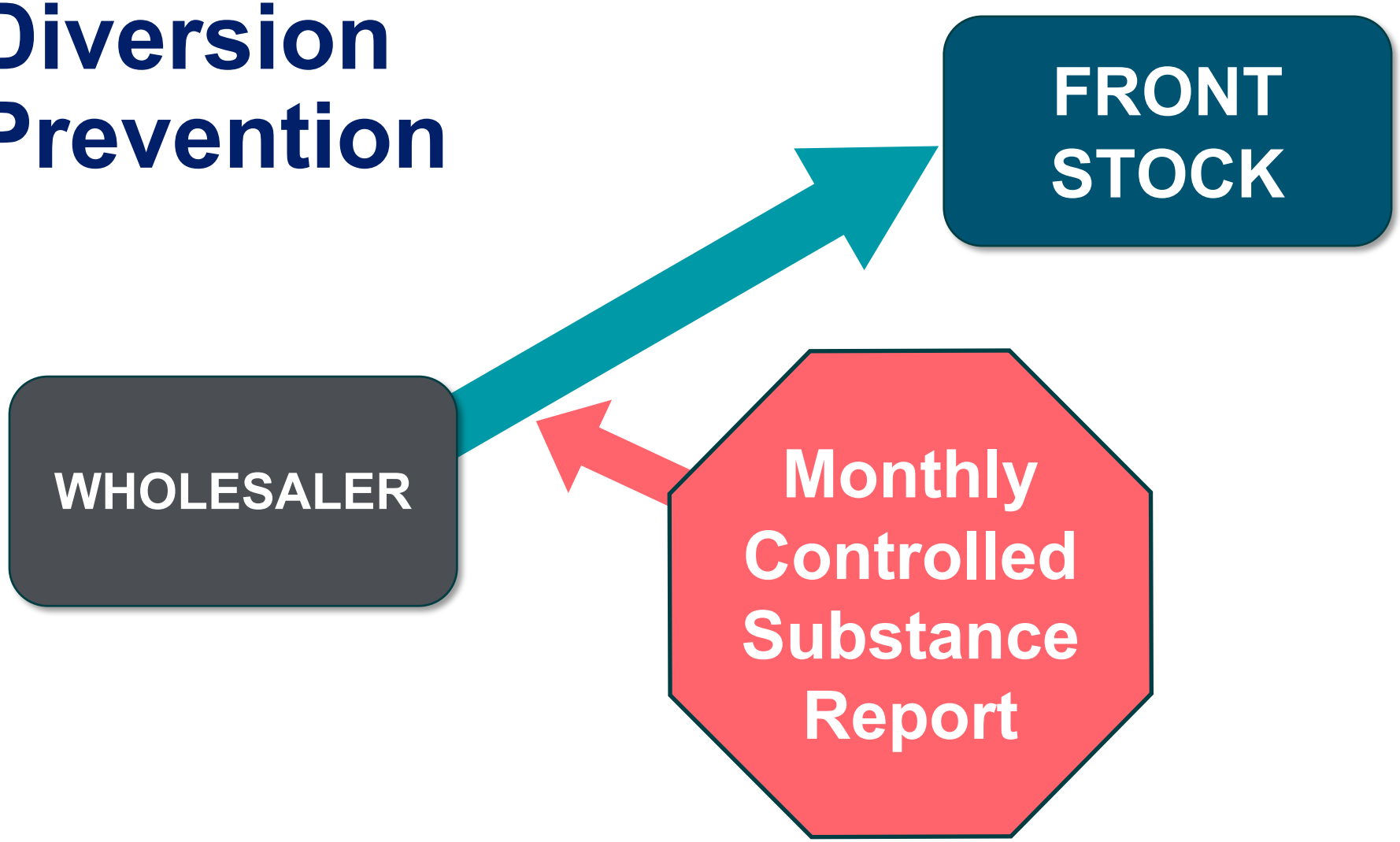
- Monthly Wholesaler Report
- DEA Schedule II Records
- DEA Schedule III-V Records
- DEA Biennial Inventory
- DEA Registration
- DEA Power of Attorney

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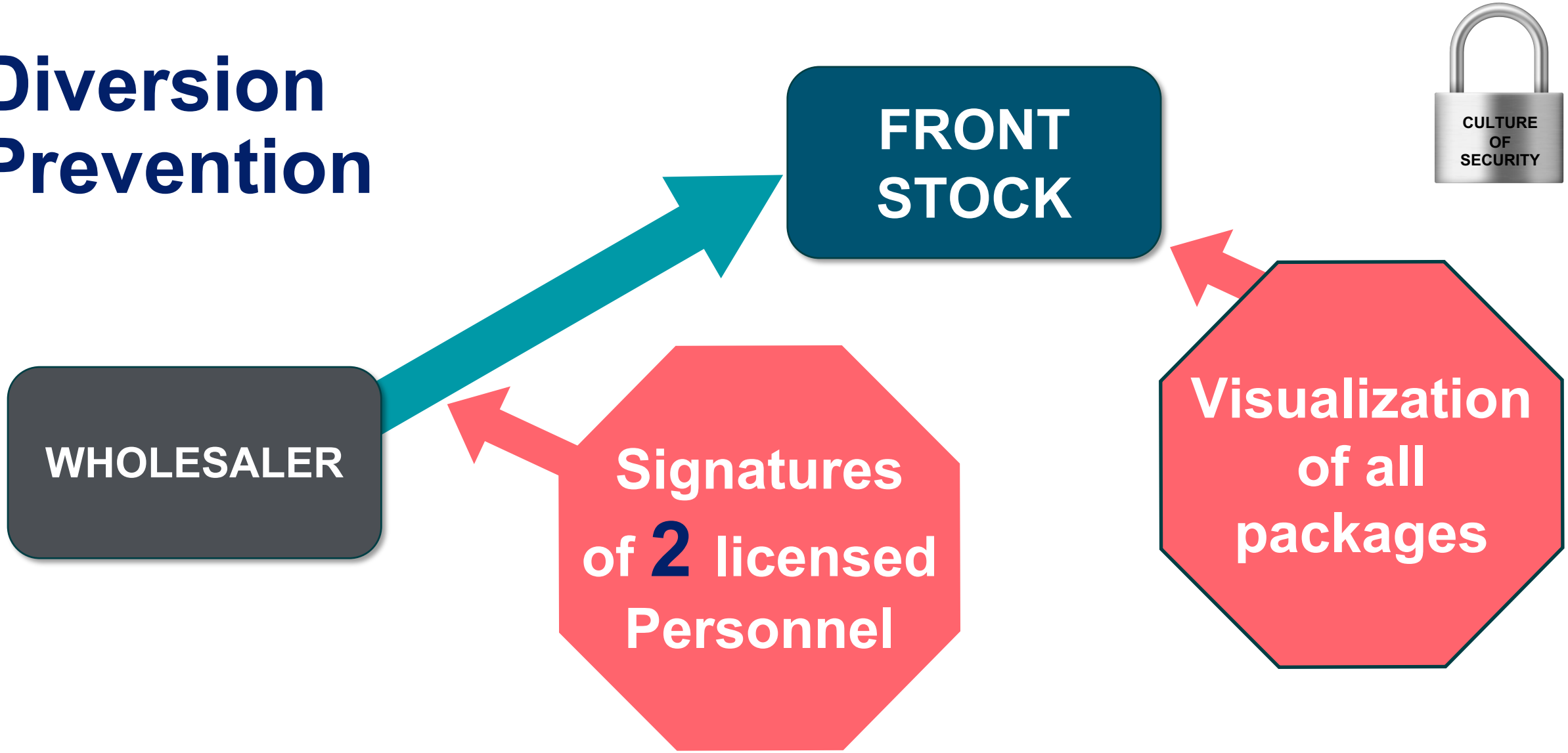


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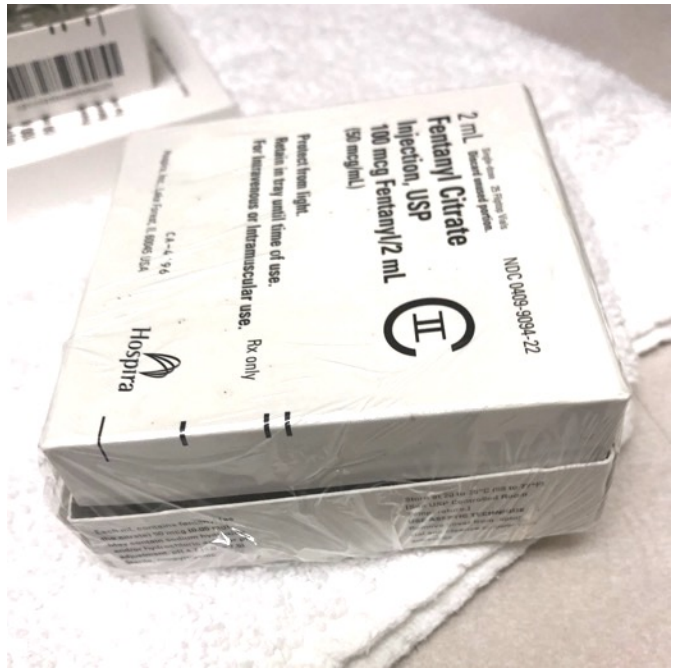
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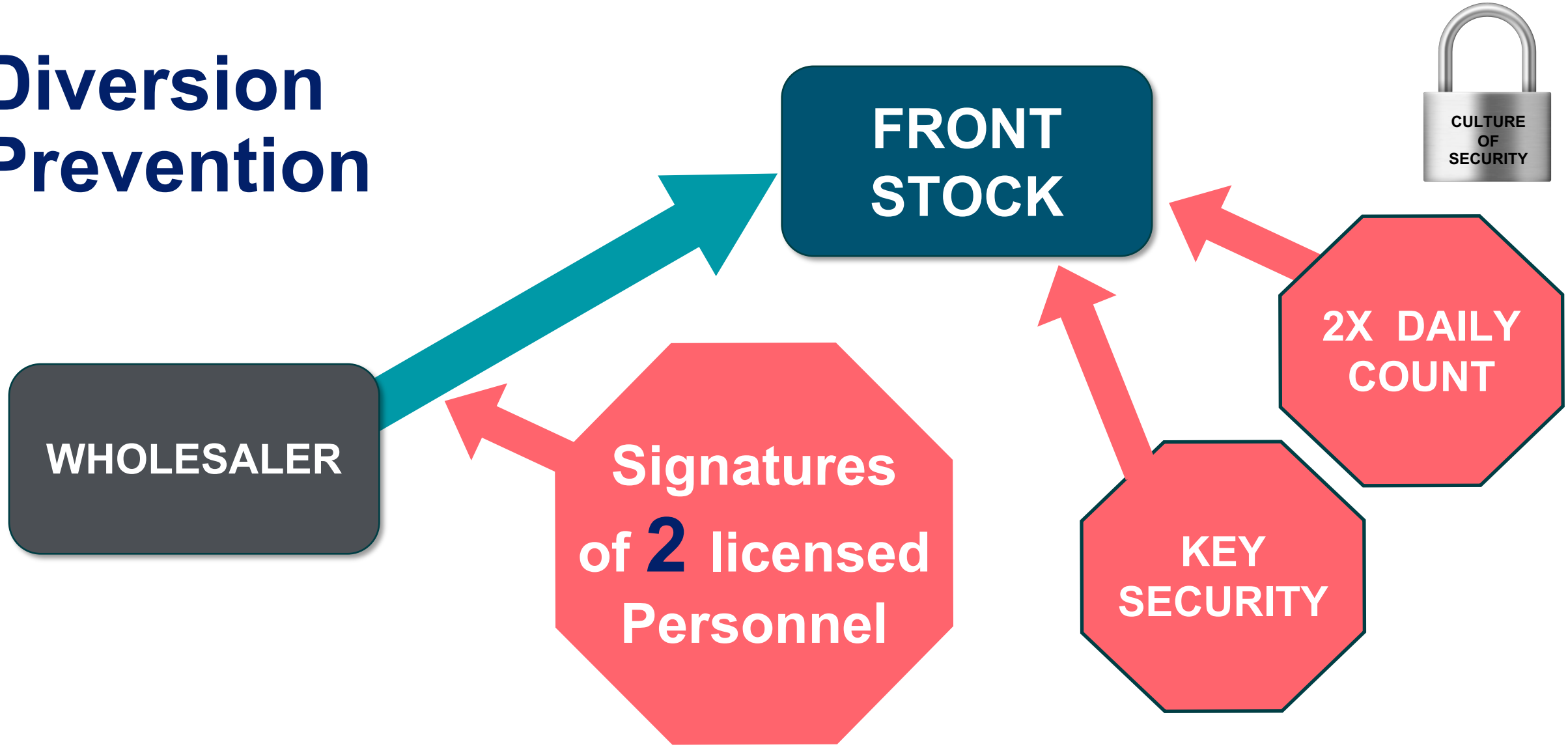
Visualization of all packages

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FRONT STOCK

WHOLESALER

2X DAILY COUNT

DEA LOCK BOX KEYS

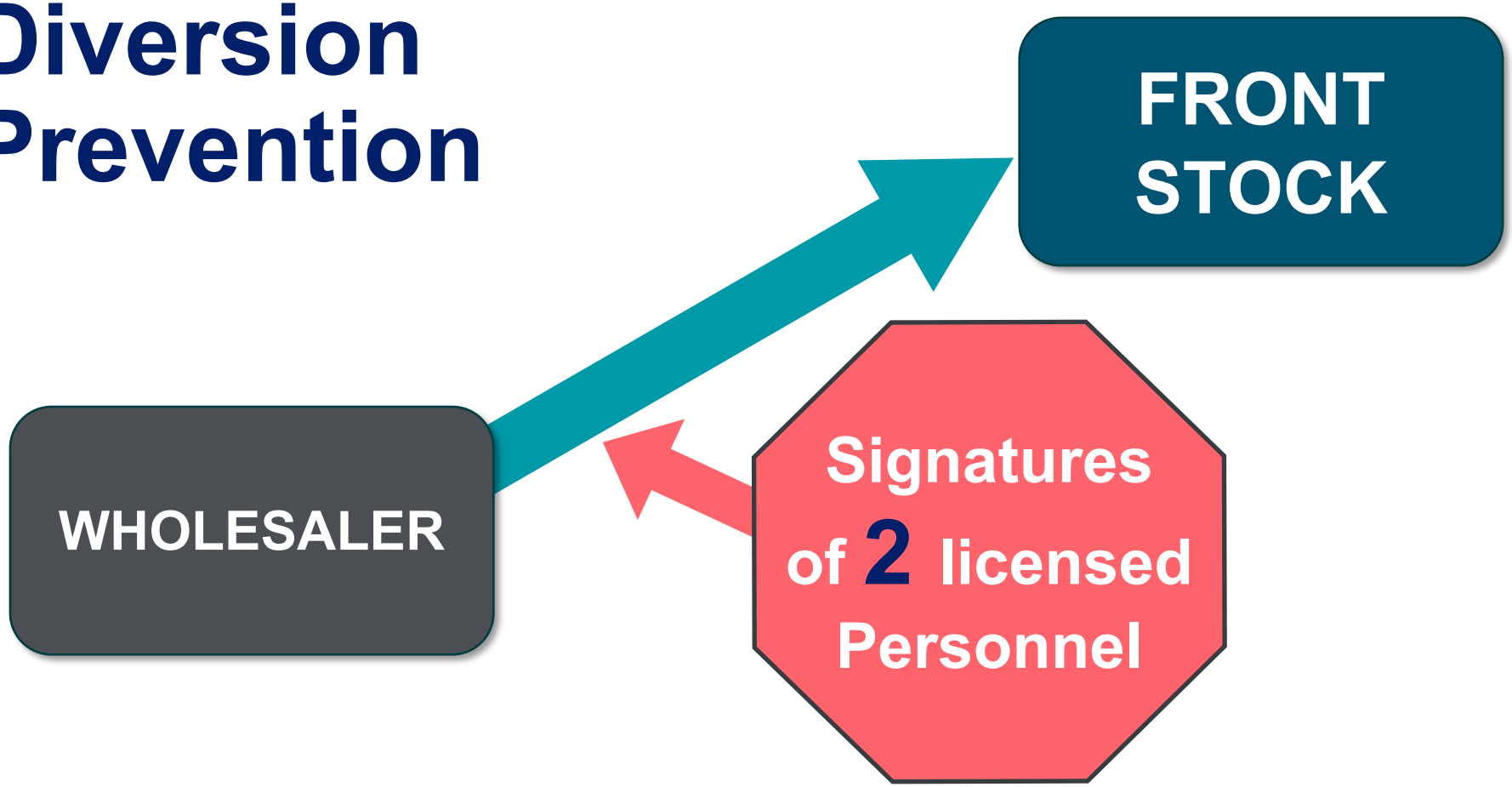
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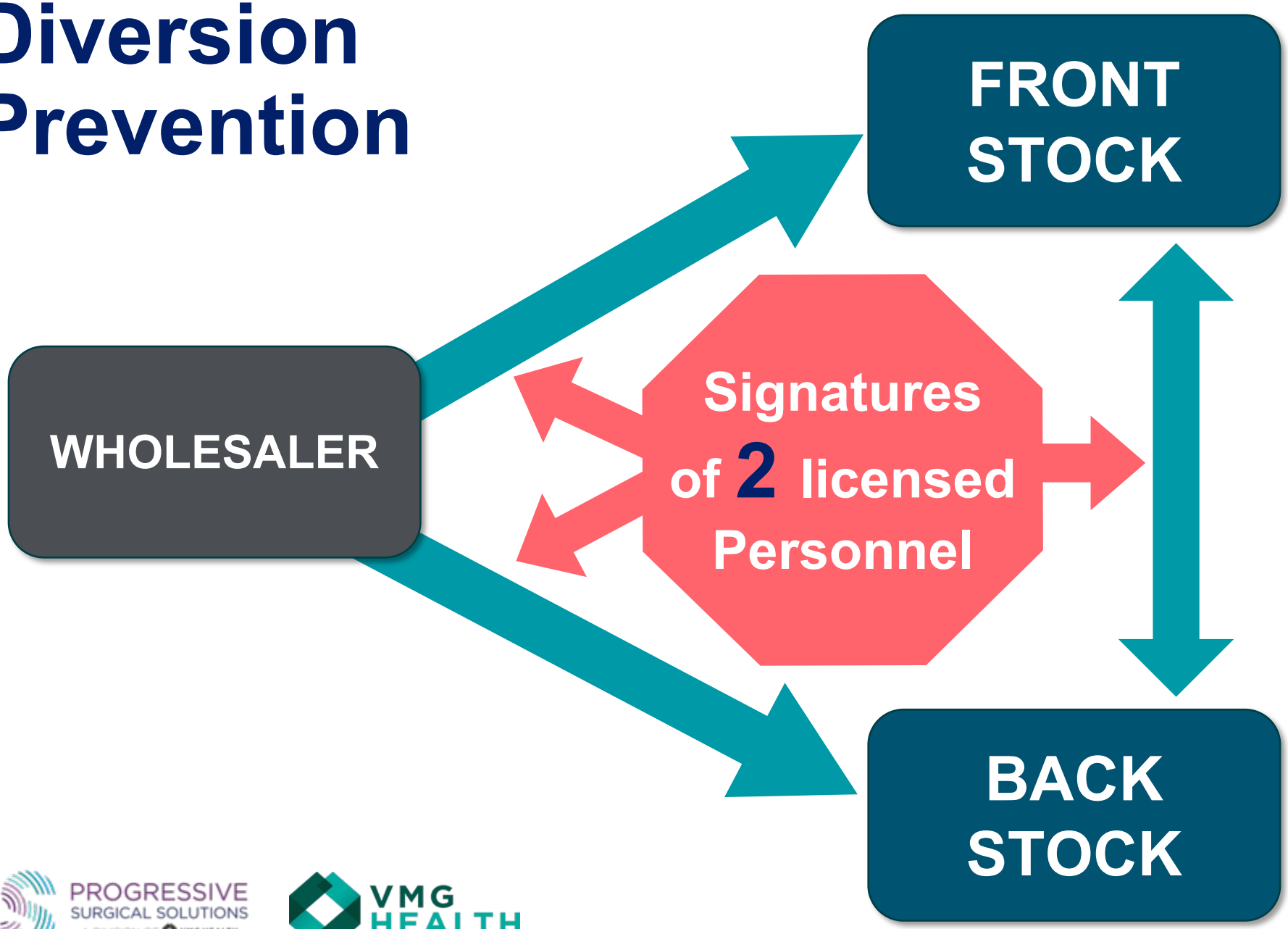


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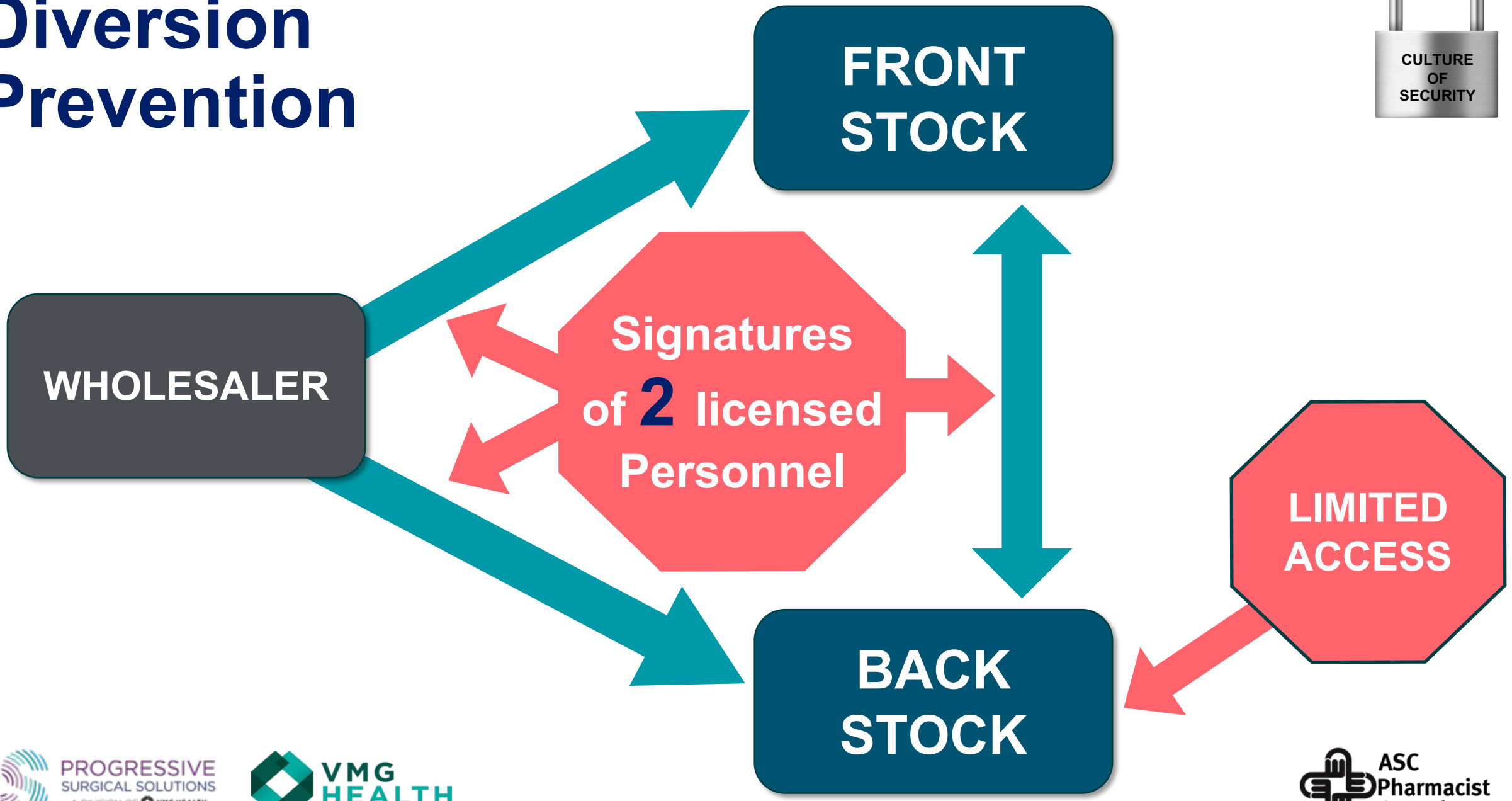


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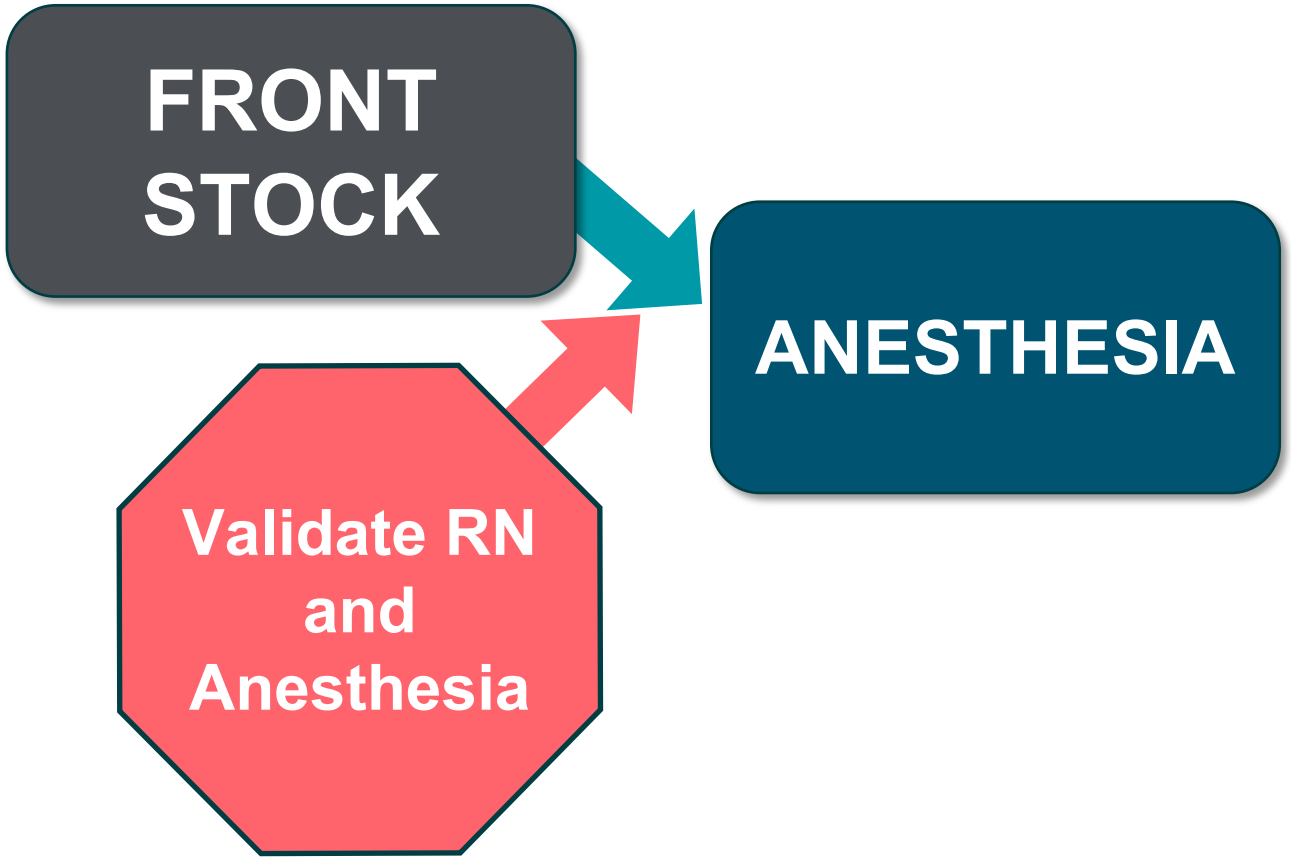
Diversion Prevention



FRONT STOCK → ANESTHESIA

Diversion Prevention





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FRONT STOCK

ANESTHESIA

Provide in secure and lockable manner



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FRONT STOCK

Validate RN and Anesthesia

ANESTHESIA

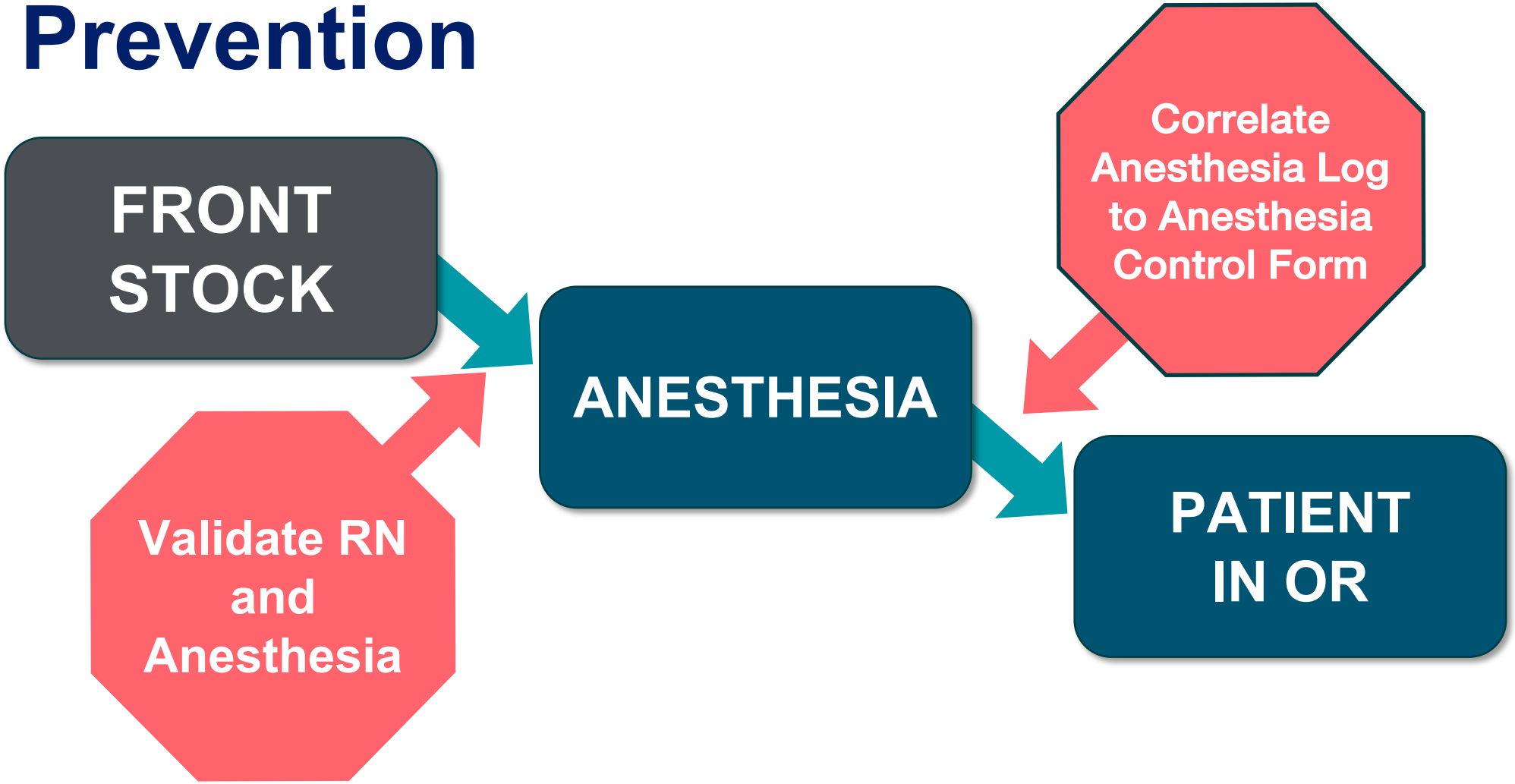
PATIENT IN OR

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FRONT STOCK

Validate RN and Anesthesia

ANESTHESIA

Correlate Anesthesia Log to Anesthesia Control Form

PATIENT IN OR

WASTE IN OR

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FRONT STOCK

Validate RN and Anesthesia

ANESTHESIA

Correlate Anesthesia Log to Anesthesia Control Form

PATIENT IN OR

Validate RN and Anesthesia

WASTE IN OR

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FRONT STOCK

Validate RN and Anesthesia

ANESTHESIA

Correlate Anesthesia Log to Anesthesia Control Form

PATIENT IN OR

Truly witnessed at the end of each case!

WASTE IN OR

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Diversion Prevention

Truly witnessed at the end of each case!

Your Surgery Center - Anesthesia Log

Provider Dr Provider Date July 2, 2024 Page _1_ of _1_

		Fentanyl 100mcg/2mL	Midazolam 2mg/2mL (Versed)	Hydromorphone 2mg/mL (Dilaudid)	Other:	Other:		
Starting Inventory		Vials 1	Vials 2	Vials	Vials	Vials	Signature *Dr Provider*	Co-Signature *Circulator Nurse*
Inventory Added: Time 12:13	Vials	1		1			Signature *Dr Provider*	Co-Signature *Circulator Nurse*
Inventory Added: Time _____	Vials						Signature	Co-Signature
Patient Sticker	Used	50 mcg	mg	mg	mg	mg	*Dr Provider* Anesthesia	
	Wasted	50 mcg	mg	mg	mg	mg	Waste Validation RN	
Patient Sticker	Used	mcg	mg	1 mg	mg	mg	*Dr Provider* Anesthesia	
	Wasted	mcg	mg	1 mg	mg	mg	Waste Validation RN	
Patient Sticker	Used	50 mcg	mg	mg	mg	mg	*Dr Provider* Anesthesia	
	Wasted	50 mcg	mg	mg	mg	mg	Waste Validation RN	
Total Used		2 Vials	0 Vials	1 Vials	Vials	Vials		
Returned		0 Vials	2 Vials	0 Vials	Vials	Vials		

Verification/Reconciliation: Anesthesia Signature *Dr Provider* Validation Signature *Circulator Nurse*

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FRONT STOCK

ANESTHESIA

PATIENT IN OR

WASTE IN OR

Validate RN and Anesthesia

Correlate Anesthesia Log to Anesthesia Control Form

Truly witnessed at the end of each case!

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Diversion Prevention



FRONT STOCK

ANESTHESIA

Validate Anesthesia Control Forms (Daily)

Correlate Anesthesia Log to Anesthesia Control Form

PATIENT IN OR

Truly witnessed at the end of each case!

WASTE IN OR

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Diversion Prevention

Validate Anesthesia Control Forms (Daily)

Your Surgery Center - Anesthesia Log

Provider Dr Provider Date July 2, 2024 Page _1_ of _1_

		Fentanyl 100mcg/2mL	Midazolam 2mg/2mL (Versed)	Hydromorphone 2mg/mL (Dilaudid)	Other:	Other:	Signature	Co-Signature
Starting Inventory		Vials 2	Vials 2	Vials	Vials	Vials	Dr Provider	Circulator Nurse
Inventory Added: Time 12:13	Vials			1			Dr Provider	Circulator Nurse
Inventory Added: Time _____	Vials						Signature	Co-Signature
Patient Sticker	Used	50 mcg	1 mg	mg	mg	mg	Dr Provider Anesthesia	
	Wasted	50 mcg	1 mg	mg	mg	mg	Waste Validation Circulator Nurse RN	
Patient Sticker	Used	mcg	mg	1 mg	mg	mg	Dr Provider Anesthesia	
	Wasted	mcg	mg	1 mg	mg	mg	Waste Validation Circulator Nurse RN	
Patient Sticker	Used	mcg	mg	mg	mg	mg	Anesthesia	
	Wasted	mcg	mg	mg	mg	mg	Waste Validation RN	
Total Used		2 Vials	1 Vials	1 Vials	Vials	Vials		
Returned		0 Vials	1 Vials	0 Vials	Vials	Vials		

Verification/Reconciliation: Anesthesia Signature Dr Provider Validation Signature Circulator Nurse

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Validate Anesthesia Control Forms (Daily)

Your Surgery Center - Anesthesia Log

Provider Dr Provider Date July 2, 2024 Page _1_ of _1_

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Inventory Added: Time 12:13	Vials			1			Signature Dr Provider	Co-Signature Circulator Nurse
Inventory Added: Time _____	Vials						Signature	Co-Signature
Patient Sticker	Used	50 mcg	1 mg	mg	mg	mg	Dr Provider Anesthesia	
	Wasted	50 mcg	1 mg	mg	mg	mg	Waste Validation Circulator Nurse RN	
Patient Sticker	Used	mcg	mg	1 mg	mg	mg	Dr Provider Anesthesia	
	Wasted	mcg	mg	1 mg	mg	mg	Waste Validation Circulator Nurse RN	
	Used	mcg	mg	mg	mg	mg	Anesthesia	
	Wasted	mcg	mg	mg	mg	mg	Waste Validation RN	
Total Used		2 Vials	1 Vials	1 Vials	Vials	Vials		
Returned		0 Vials	1 Vials	0 Vials	Vials	Vials		

Verification/Reconciliation: Anesthesia Signature Dr Provider Validation Signature Circulator Nurse

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FRONT STOCK

PATIENT PREOP/PACU

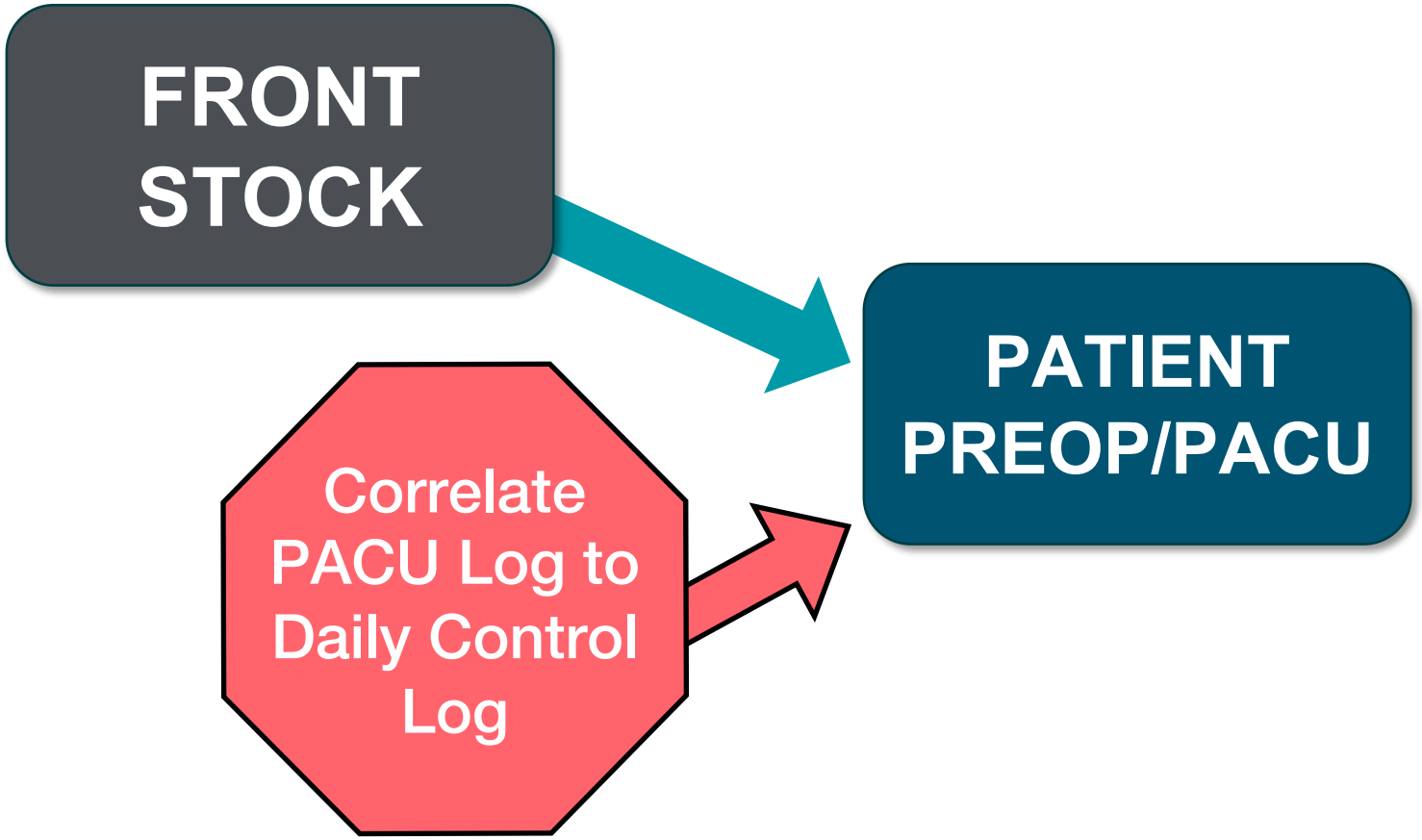
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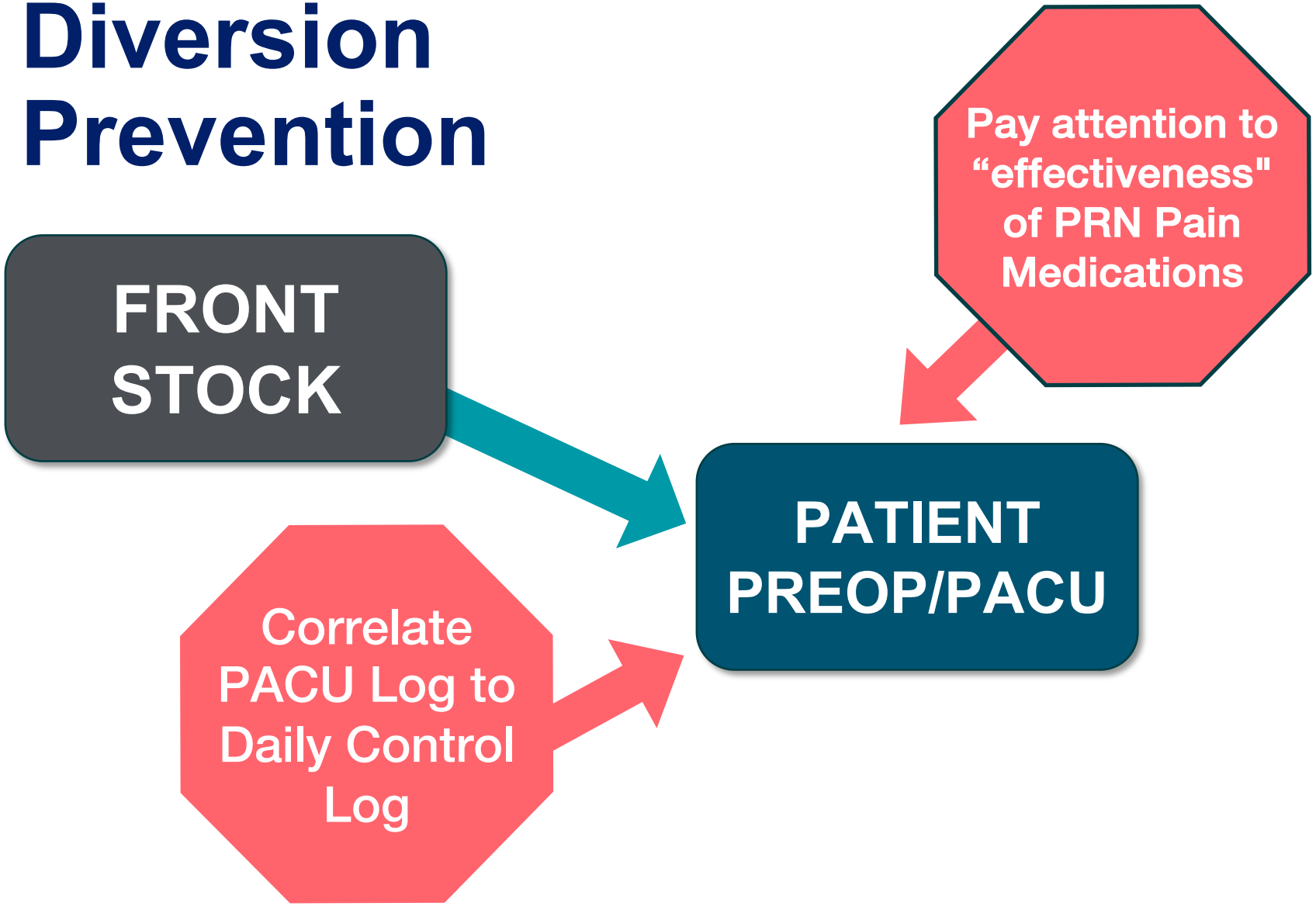


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FRONT STOCK

Pay attention to "effectiveness" of PRN Pain Medications

PATIENT PREOP/PACU

Correlate PACU Log to Daily Control Log

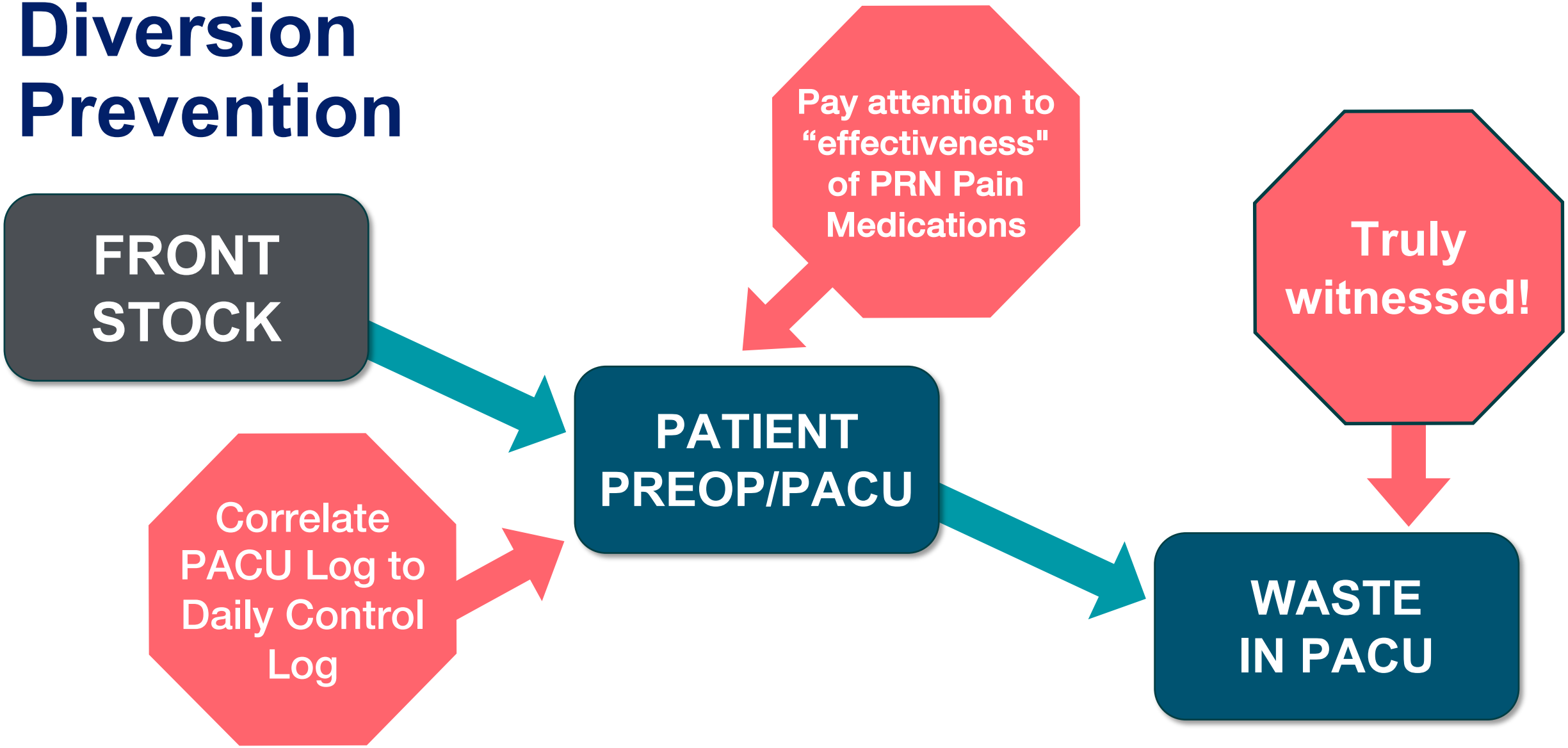
WASTE IN PACU

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Diversion *in the News*

BECKER'S ASC REVIEW

Iowa ASC to pay $125K for violating Controlled Substances Act

Carly Behm - Wednesday, June 5th, 2024

Save Post Tweet Share Listen Text Size Print Email

Cedar Rapids-based First Choice Surgical Center agreed to pay $125,000 to resolve allegations it violated the Controlled Substances Act, the U.S. Attorney's Office for the Northern District of Iowa said June 4.

The settlement resolves allegations the ASC didn't maintain complete and accurate records related to controlled substances that were purchased, according to a news release. The ASC also allegedly didn't have "effective controls and procedures" to guard the controlled substances.

In August 2019 employees found that Sabrina Thalblum, a registered nurse at the ASC, was tampering with vials of fentanyl, the Department of Justice said. An investigation found she replaced the fentanyl with saline and stole the drug for her own use. She pleaded guilty in 2021 and was sentenced to five years in prison in 2022.

A related civil investigation found the ASC's employees allegedly "batch signed" records saying they saw wasting of fentanyl after surgery, and First Choice allegedly didn't report the fentanyl theft to the DEA in a timely manner.

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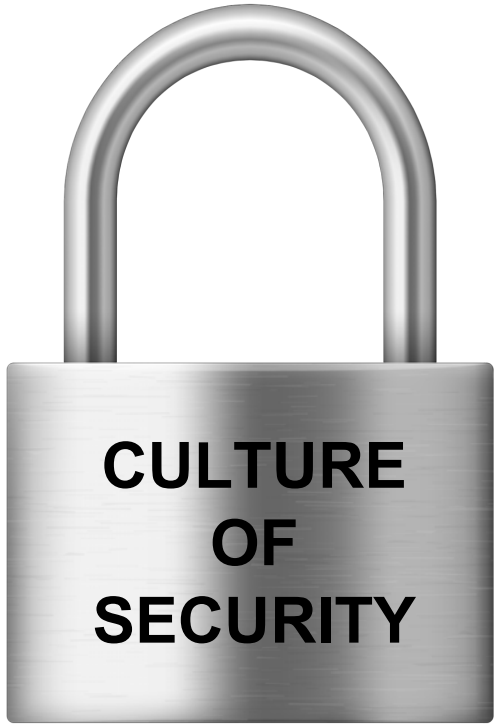


The settlement resolves allegations the **ASC didn't maintain complete and accurate records related to controlled substances** that were purchased, according to a news release. The ASC also allegedly didn't have "effective controls and procedures" to guard the controlled substances.



Diversion Prevention

The settlement resolves allegations the ASC didn't maintain complete and accurate records related to controlled substances that were purchased, according to a news release. The ASC also allegedly didn't have **"effective controls and procedures" to guard the controlled substances.**



Diversion Prevention



A related civil investigation found the **ASC's employees allegedly "batch signed" records saying they saw wasting of fentanyl after surgery**, and First Choice allegedly didn't report the fentanyl theft to the DEA in a timely manner.

Truly witnessed at the end of each case!

Diversion Prevention

Susceptible places in the process…
What about new ways?



PROPOFOL

- DEA Controlled in your state?
- Count Propofol?
- Sharps containers Secure

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Thank You

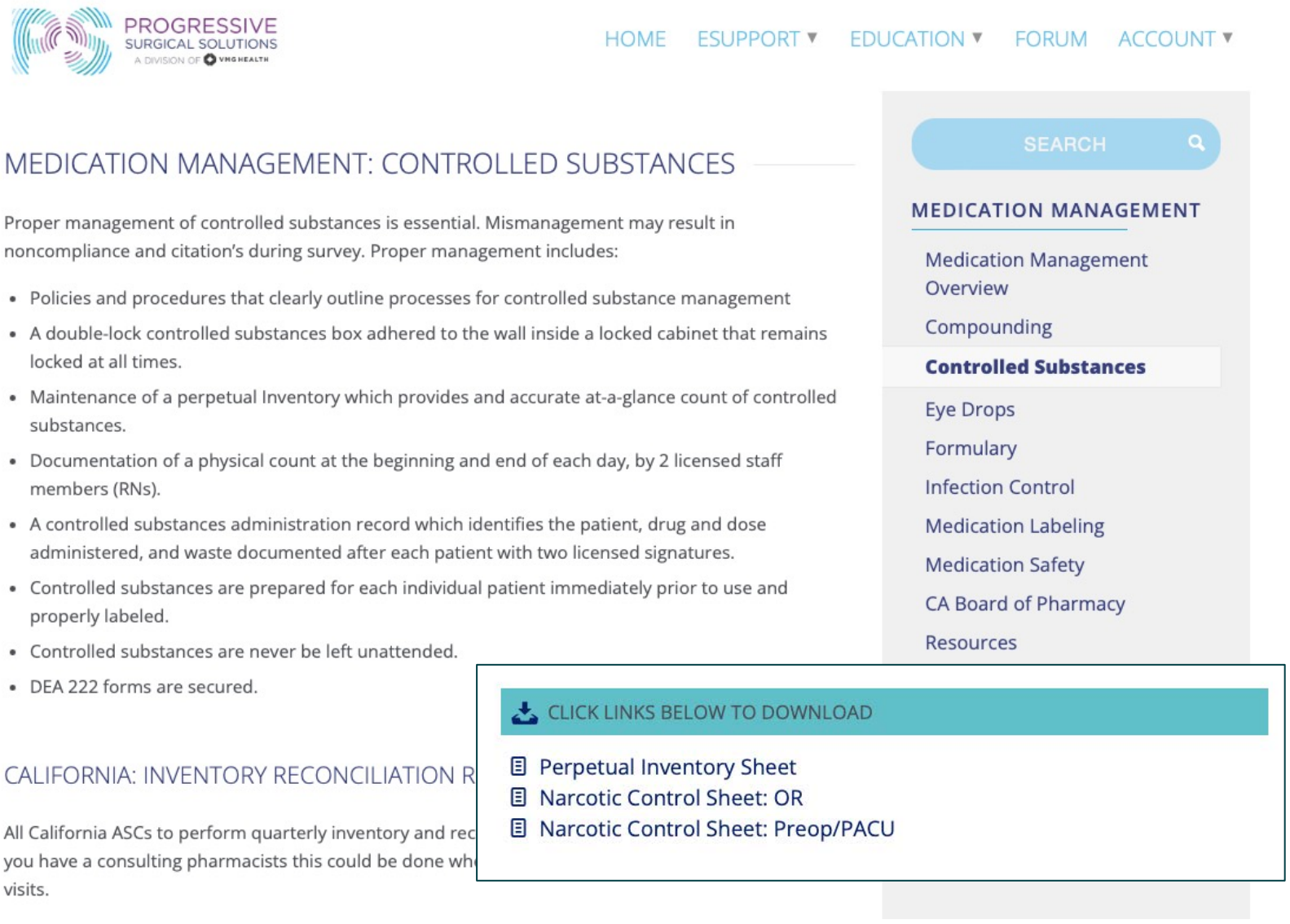
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510-710-3640

gregory@SafeMedicationSolutions.com
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RUNNING AN ASC CAN BE less OVERWHELMING

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1 CE Contact Hour per **RN** attendee

1 AEU per **CASC** attendee



Complete Course Evaluation sent via email by **Monday, 9/23**



Certificates will be processed and delivered by **Friday 10/4**



Any questions regarding CE Credit, contact **Jenna@pss4asc.com**

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A place to **connect**, **support**, and **network** with other ASC managers all over the country.

Upcoming Webinars

DATE		CE	WEBINAR TOPIC	SPEAKER
SEP 30	20		Before It's Mandatory: Understanding OAS CAHPS	Kristi Burgess
OCT 25	60	RN, CASC CAIP	A Comprehensive Review of the ASC QAPI Program	Debra Stinchcomb
NOV 25	20		Annual Survey Watch Report 2024	Apryl McElheny
DEC 13	60	RN, CASC CAIP	Infection Control Risk Assessment: A Guided Review	Crissy Benze

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