



Department of Health and Human Services  
Licensing and Regulatory Services  
41 Anthony Avenue  
# 11 State House Station  
Augusta, Maine 04333  
Tel: (207) 287-9300; Toll Free: 1-800-791-4080  
Fax: (207) 287-5807; TTY: 1-800-606-0215

Memo to: Nursing Facilities  
Residential Care Facilities  
Children's Residential Treatment Facilities  
Residential Substance Abuse Treatment Facilities  
Residential Mental Health Facilities

From: Catherine M. Cobb, Director, Division of Licensing and Regulatory Services

Date: March 10, 2011

Subject: Disposal of Unused Medications

All licensed providers are subject to DHHS rules pertaining to the destruction of prescription medications and over the counter drugs. For prescription medications other than schedule II through V drugs, the long time practice of flushing medications into the sewer or septic system conflicts with statutory requirements administered by the Maine Department of Environmental Protection (DEP).

The DHHS and the DEP are working together to find ways for residential long term care and treatment providers to be in compliance with DEP statutes. For example, law enforcement take back programs and mail back programs are becoming more available.

The purpose of this memo is notify you that DHHS is waiving the rules which require that medications be flushed due to the conflict with the DEP statutory requirements. The DHHS waiver authority will be in place until the rules can be changed to comply with other state and federal laws. Existing state and federal laws will prevail.

As noted above, there are legally accepted methods of destruction of unused medications. In April, law enforcement officials will be conducting a "take back" program of unwanted or unused medications. This program will take back all classes of drugs, including Schedule II through V drugs prescriptions and over the counter medications of any kind. We are providing a list of all our residential long term care and treatment providers to DEP to share with local law enforcement agencies. The program is free and we are encouraging providers to contact their local law enforcement agencies about voluntarily participating. Participating law enforcement will pick up medications at the facility instead of having the staff deliver the drugs to law enforcement.

To ensure a safe and secure collection, each provider will be required to place the unused medications in their original containers into a box provided by law enforcement, sealed in accordance with the current licensing rules. Providers need to inventory the drugs and when law enforcement picks up the box, have the law enforcement official sign a receipt. This will provide a chain of custody and protect the facility.

Presently, the U.S. Drug Enforcement Agency rules require that controlled substances be flushed or surrendered to law enforcement. They can be included in the April drug take back program mentioned above. These federal rules are under revision and the provisions being put in place may allow controlled substances to be surrendered by other means, such as mail back programs or other disposal programs. The DEP is speaking with vendors about their capacity to provide disposal options. This is not the same process as facilities may use for disposing of hazardous medical wastes.

In the interim, we encourage you to participate with local law enforcement's efforts to keep unwanted drugs off the streets, and DEP's efforts to keep them out of our disposal systems and the environment.

Please contact us if you have any questions. Ann E. Pistell at [anne.e.pistell@maine.gov](mailto:anne.e.pistell@maine.gov) is my counterpart at DEP work on this program.