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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:           April 20, 2011

Subject:        Disposal of Unused Medications – Important Update!

My memo dated March 20, 2011, concerning the upcoming drug take back program being sponsored by the U.S. Drug Enforcement Administration (DEA) and Maine's law enforcement agencies, generated a number of excellent questions and comments. We have decided to post information on our website to keep you up to date on this subject:

[www.maine.gov/dhhs/dlrs](http://www.maine.gov/dhhs/dlrs)

We have generated additional guidance on the DEA led April 30<sup>th</sup> statewide law enforcement collection to share with you now, but please check the website periodically for updates.

- It is very important to maintain an accurate inventory of what is provided to law enforcement. The state-approved facility identification form required to standardize this process and help the state quantify the amount of unused medications that otherwise might flow into the environment can be downloaded from this website.
- It is important for law enforcement to initial your copy of the inventory as evidence that you have turned the inventory over to them. The facility identification form as well as a copy of your internal inventory forms (initialed by law enforcement), with the names of patients blacked out, shall be affixed to the box/envelope. If there is any Schedule II through V drugs in the box/envelope, you must tape a copy of the bound book inventory, initialed by the law enforcement officer, to the box/envelope. The facility identification form and internal inventory forms will be removed from the box/envelope by a DEA agent at the time of incineration.
- Facilities may prepare their own boxes for the program. The boxes should not exceed 20" x 16" x 16". A standard box that photocopy paper is sold in may be just right. Keep unused medications, as usual, in a secure, double-locked area apart from all other drugs and do not place them in the box until the day of pick up. A nurse and pharmacist may oversee the placement of medications in the box, seal the box with tape and sign their names along with the date/time over the sealing tape. The law enforcement officer can then provide a receipt for just the box and make the transition timely. If you do not have a nurse on staff, in the case of other residential programs, you may have a member of management and the pharmacist perform this task. As a

last resort, the law enforcement officer may be willing to seal the box and have you sign your name over the sealing tape.

- You can either place the containers in the box/envelope or you can dump the individual medications into the box/envelope in the presence of the law enforcement officer. If you decide to place the containers in the box, please black out the names of residents.
- If you are including liquid medications, leave the medication in a container that will not allow it to spill.
- Do not place empty syringes in the box/envelope. Those should be disposed of as biomedical waste. If you have unused filled syringes, you may put this in the disposal box as long as they are capped.
- Please remember that law enforcement will take all medications, including over the counter medications in any form.
- Do not incinerate unused medications on your own. This is not a healthy or legal way to dispose of medications.

We were informed that DEA anticipates conducting two more DEA led take back programs in the next year. After the DEA collection event you may not continue flushing unused medications other than Schedules II through V, as this violates state laws. In the meantime, we are exploring other methods of disposing of medications other than Schedule II through V narcotic medications that will allow facilities the option of more regular disposal. These may include mail back programs or so called “milk runs” where companies may pick up unused medications at the facility. See the DHHS website for more information.

The above website will be updated with contact information about participating law enforcement agencies, information on vendors who can dispose of medications other than Schedule II through V medications, as well as other questions and answers about this program. Information about vendors who in the future may dispose of Schedule II through V medications will be on the website as that information emerges. Otherwise, facilities should utilize the law enforcement take back programs for all medications, including Schedule II through V, as an interim step.

Please visit the website to find all the forms you will need to participate in this program, as well as updates regarding the program.