

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

Date: October 4, 2011

Subject: Disposal of Unused Medications – Important Update!

The following memo should be used as guidance in anticipation of the upcoming Prescription Drug Take Back Day on October 29, 2011 sponsored and coordinated by the U.S. Drug Enforcement Administration (DEA) and conducted by Maine's law enforcement agencies. Information related to a number of previous questions and comments will be posted on our website to keep you up to date on this subject:

www.maine.gov/dhhs/dlrs

We have generated guidance for the upcoming DEA led October 29th 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 is required to standardize this process and help the state quantify the amount of unused medications that otherwise might flow into the environment. This form can be downloaded at www.maine.gov/dhhs/dlrs
- 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 (initialed by law enforcement) and copies of all internal inventory forms with the names of patients blacked out, should be placed inside a manila envelope and affixed to the box/envelope. If there is any Schedule II through V drugs in the box/envelope, you must include a copy of the bound book inventory inside the manila envelope which is affixed 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. Although not required, participating facilities can fax a copy of the completed Facility Identification Form to the DEA Resident Agent in Charge at fax (207) 780-3642 after the medications are picked up by the local law enforcement agency. The faxed copy will be used by DEA to ensure an audit trail of the collected medications from the time of pick-up to the time of disposal. It's important that each fax details how many boxes or envelopes containing medications were transferred.
- The Facility Identification Form and attachments to include medication inventory forms and photocopies of pages from bound book will certify the audit trail of

medications surrendered to participating law enforcement agencies during this DEA sponsored event and will serve as compliance with existing DHHS rules and regulations.

- 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 will work fine. Keep unused medications, as usual, in a secure, double-locked area apart from all other drugs until they are sealed in the box for 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 sign the Facility Identification Form for the box/envelope containing the medications 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. Pharmacists are required to be present when sealing boxes containing Schedule II thru V controlled substances. Pharmacist (i.e. Consultant Pharmacist) are not required to be present when the box/envelope containing medications is surrendered to law enforcement.
- The Pharmacists' responsibility ends after the medications are sealed in the box/envelope and surrendered to a law enforcement officer in their presence. The Pharmacists' responsibility also ends when the sealed box is surrendered to the nurse manager/nurse practitioner responsible for the security of the Schedule II thru V controlled until such time that that responsible person surrenders the box/envelope containing medications to the law enforcement officer. Each facility wishing to participate in the prescription drug take back day should contact their local law enforcement agency well in advance of October 29 to confirm their agencies participation in the event and to coordinate the collection. Please be proactive, contact them first, and do not wait until the day before the event. If coordinated in advance, most law enforcement agencies will conduct medication collections from facilities during the week prior to October 29. If you are unable to identify a participating agency, contact the DEA Resident Agent in Charge by calling (207) 780-3331. Participating agencies can be found by going to the website www.dea.gov and clicking the "Got Drugs? Icon at the top of the page. The directions will direct you to the participating agencies and October 29th collections sites near your facility.
- You can either place the containers in the box/envelope or you can dump the individual medications into the box/envelope prior to receipt by the law enforcement officer. If you decide to place the containers in the box, please black out the names of residents. The container can be sealed prior to receipt by the law enforcement officer but it must have all documentation supporting its contents contained in a manila envelope affixed to the box.
- 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.

DEA anticipates conducting one more nationwide prescription drug take back day in the spring of 2012 After the October 29th 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.