

Health Law Alert: Drug Theft on the Rise: Best Practices for Health Care Providers

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Prescription drug abuse has become the fastest growing drug problem in the nation. In far too many instances the problem is caused by health care workers who divert patient medication for their own use or use by others.

Like other issues of patient safety, and public safety, the most effective approach is prevention. A report recently released by the Controlled Substance Diversion Coalition provides health care organizations with important information and "best practices" to prevent drug thefts in health care facilities.

In May, 2011, the Minnesota Department of Health and the Minnesota Hospital Association convened the Controlled Substances Diversion Coalition to address the serious issue of medication diversion in health care facilities. The Coalition is made up of representatives from health care providers, licensing boards and other regulatory agencies, public health officials and law enforcement authorities. Because hospital and other health care facilities are required to file a report with the U.S. Drug Enforcement Administration within 24 hours after a controlled substance is lost or stolen, the D.E.A.'s records provide insight into the prevalence of the problem in Minnesota.

From 2005 to 2011, there were 250 reports of theft or loss of controlled substances associated with health care workers. Within that time frame, reported incidents increased 325%. It is harder to quantify the resulting impact on patient safety when health care workers are impaired by chemical use, or sometimes feed their addiction by depriving patients of needed medications.

Importantly, the Coalition went beyond identifying the problem. In a groundbreaking collaboration that included providers and law enforcement, the Coalition produced best practices related to controlled substance management on issues such as storage and security, procurement, prescribing, preparation and dispensing, and handling waste. A Controlled Substance Diversion Prevention Roadmap and a Controlled Substance Diversion Prevention Tool Kit were prepared, the latter containing one hundred best practices for preventing and responding to controlled substances diversions.

The Coalition's work will be invaluable to the health care industry, and to the health care lawyers who have been called upon to advise clients on how to follow-up when diversion is suspected. The Coalition's report



provides analysis of a number of important issues that frequently arise in drug diversion matters. For example, the report addresses the following key questions:

- Where should reports of prescription drug diversion be made?
- When is it necessary to call in law enforcement?
- What types of procedures should organizations adopt to ensure drug diversion does not happen again?

If you have questions about the Coalition's report or issues related to prescription drug diversion, please contact Susan Gaertner at 612.632.3355 or susan.gaertner@lathrooggpm.com.

Additional Resources:

Check List: Responding to Suspected Drug Theft

Controlled Substances and Enforcement: Drug Diversion Reporting Requirements

Maintaining Control of Controlled Substances Presentation

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