



Employment Waivers & Theft and Loss Reporting Diversion Control Division/Regulatory Section (DRG)

Supply Chain Conference

Houston, Texas

May 3, 2023

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Legal Disclaimer

The following presentation was accompanied by an oral presentation on May 3, 2023 and does not purport to establish legal standards that are not contained in statutes, regulations, or other competent law. “The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.”

I have no financial relationships to disclose.



Functions of DRG

The DRG Section is responsible for 14 program areas which include:

- 303 application processing
- Theft and Loss reporting
- Employment waivers



Objectives

- Overview of the 303 application processing
- Overview of Theft and Loss reporting
- Overview of Employment Waivers



Reporting Thefts and Losses

Federal regulations require that registrants notify the Field Division Office of the Administration in his/her area, *in writing*, of a theft or significant loss of any controlled substance, disposal receptacles or listed chemicals within one business day of discovery of such loss or theft.

The registrant shall also complete the DEA Form 106/107, and submit to the Field Division Office in his/her area, regarding the loss or theft ([Title 21 Code of Federal Regulation \[C.F.R.\] §1301.76\(b\)](#) and [Title 21 United States Code \[U.S.C.\] §830\(b\)\(1\)\(C\)](#)). The DEA Form 106/107 can be completed via [Theft/Loss Reporting Online \(TLR\)](#) or downloaded via the [fillable PDF](#) version and submitted to your [Local Diversion Field Office](#).



Theft and Loss Reporting


Diversion Regulatory Section (DRG) maintains
Theft and Loss Report (DEA-106) database
ONLY for fillable PDF versions.



Reporting Thefts and Losses


https://www.deadiversion.usdoj.gov

Microsoft Identity... DRG Logs - All Doc... File Room: ROI sear... eCFR :: Home govinfo.gov | U.S. G... DRG Dashboard - P... DEA Diversion Cont... Orange Book - List... Ocean Bay - Home

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DIVERSION CONTROL DIVISION

Search

Attention: Requirements for training for Medication Assisted Treatment as part of the MATE Act (March 27, 2023)

HOME	REGISTRATION	REPORTING	RESOURCES	ABOUT US
<p>Registration Support</p> <p>Call: 1-800-882-9539 (8:30 am-5:50 pm ET) Email: DEA.Registration.Help@dea.gov Contact Local Registration Specialist</p> <p>Renewal Applications New Applications Check the Status of My Application Registrant Validation Toolset Request Copy of DEA Certificate Request Copy of Last Application/Receipt Make Changes to My DEA Registration Order Form Request (DEA Form 222) Registration for Disposal of Controlled Substances Search for Year Round Pharmaceutical Disposal Locations</p>	<p>ARCOS</p> <p>BCM Online</p> <p>Chemical Import/Export Declarations</p> <p>CSOS (Controlled Substances Ordering System)</p> <p>Theft/Loss Reporting</p> <p>Import/Export</p> <p>Medical Missions</p> <p>Quotas</p> <p>Registrant Record of Controlled Substances Destroyed</p> <p>Regulated Machines (Tableting and Encapsulating)</p> <p>Reports Required by 21 CFR</p> <p>SORS</p> <p>Submit a Tip to DEA</p> <p>Year-End Reports</p>	<p>9 Information Page</p> 	<p>DEA Forms & Applications</p> <p>Publications & Manuals</p> <p>Questions & Answers</p> <p>Meetings & Events</p>	<p>Quick Links</p> <ul style="list-style-type: none"> ARCOS (Automation of Reports & Consolidated Orders System) Chemical Control Program Controlled Substance Schedules CSOS (Controlled Substances Ordering System) EPCS (Electronic Prescriptions for Controlled Substances) Guidance Document Portal
<p>In The News</p> <p>Providence Man Indicted for Selling Oxycodone to Undercover (11, 2023)</p> <p>Santa Rosa Doctor Sentenced to More than Two Years in Prison for Unlawfully Prescribing Fentanyl and Oxycodone (April 09, 2023)</p> <p>Colorado Pharmacy and Pharmacist Agree to Resolve Allegations of Unlawfully Filled Dangerous Prescriptions for Controlled Substances (27, 2023)</p> <p>Indianapolis Pharmacy Technician Charged with Controlled Substance Violations (March 24, 2023)</p> <p>Panama City Physician Pays \$225,000 to Settle Allegations that He Overprescribed Controlled Substances (March 21, 2023)</p> <p>Exton, Pennsylvania Lab Agrees to Pay \$125,000 to Resolve Controlled Substance Act Violations (March 17, 2023)</p>	<p>Get Email Updates</p>			
<p>What's New</p> <p>Royal Dynastic Organics (PDF) (April 27, 2023)</p>				



Reporting Thefts and Losses



HOME **REGISTRATION** **REPORTING** **RESOURCES** **ABOUT US**

REPORTING > **Reports Required by 21 CFR** > Theft/Loss Reporting

Theft/Loss Reporting

Get Email Updates:

IMPORTANT NOTICE: Only those persons registered or regulated with DEA to handle controlled substances or listed chemicals may utilize these reporting forms.

Theft/Loss Reporting Online (TLR)

DEA Form 106 – Report of Theft or Loss of Controlled Substances (and disposal receptacles)

DEA Form 107 - Report of Theft or Loss of Listed Chemicals (The DEA amended [§1310.05](#) to require reports of unusual or excessive loss or disappearance of a listed chemical to be filed through the DEA Diversion Control Division secure network application)

Data will be entered through a **secure connection** to the online application system. **Your web browser must support 128-bit encryption.** If you have questions regarding the electronic submission, please contact **DEA Call Center 1-800-882-9539.**

Federal regulations require that registrants notify the Field Division Office of the Administration in his area, in writing, of the theft or significant loss of any controlled substance, disposal receptacles, or listed chemicals within one business day of discovery of such loss or theft. The registrant shall also complete the, and submit to the Field Division Office in his area, DEA Form 106 regarding the loss or theft ([21 C.F.R. §1301.76\(b\)](#) and [21 U.S.C. §830\(b\)\(1\)\(C\)](#)). The DEA Form 106 can be completed via the [Theft/Loss Reporting Online Form](#) or [download the fillable PDF version](#) and submit to the [Local Diversion Field Office](#).

In order to better track controlled substances and listed chemical products reported as lost or stolen, DEA uses of the National Drug Code (NDC) number. The NDC number identifies the manufacturer, product, dosage form, and package size. Entry of the NDC number will prompt the system to auto-populate additional fields such as the name of the product, dosage form, dosage strength, and quantity per container. If it is a listed chemical, a chemical code and name will be provided in a list to select.

- ARCOS
- BCM Online
- Chemical Import/Export Declarations
- CSOS (Controlled Substances Ordering System)
- Theft/Loss Reporting**
- Import/Export
- Medical Missions
- Quotas
- Registrant Record of Controlled Substances Destroyed
- Regulated Machines (Tableting and Encapsulating)
- Reports Required by 21 CFR
- SORS
- Submit a Tip to DEA
- Year-End Reports



DEA Form 106 Printable PDF



DEA FORM **106**

Report of Theft or Loss of Controlled Substances

OMB No. 1117-0001 (Exp. Date 7/31/2023)

U.S. Department of Justice
Drug Enforcement Administration
Diversion Control Division



Type of Report: (check one box only) New Report Amendment Key (prior report dated): _____

1. DEA Registration Number: _____
 Name of Business: _____
 Address: _____
 City: _____ State: _____ ZIP Code: _____
 Point of Contact: _____
 Email Address: _____ Phone No.: _____

Date of the Theft or Loss (or first discovery of theft or loss): _____ Number of Thefts and Losses in the past 24 months: _____

Principal Business of Registrant: Pharmacy Practitioner Manufacturer Hospital/Clinic Distributor NTP Other (Specify) _____

2. Type of Theft or Loss: _____

3. Loss in Transit. (*Fill out this section only if there was a loss in transit, or hijacking of transport vehicle.)
 Name of Common Carrier: _____
 Telephone Number of Common Carrier: _____ Package Tracking Number: _____
 Have there been losses in transit from this same carrier in the past? No Yes (if yes, how many, excluding this theft or loss?): _____
 Was the package received and accepted by the consignee? No Yes (if yes, the consignee is responsible for reporting the theft or loss.)
 If the package was accepted by the consignee, did it appear to be tampered with? No Yes
 Name of Consignee / Supplier: _____
 Enter the Name of Consignee (if reported by the supplier), or the Name of Supplier (if the package was accepted by the consignee).
 If the consignee does not have a DEA Registration Number, e.g. if this was a shipment to a patient, or a nursing home emergency kit, enter "Patient" or "Nursing Home Kit."
 DEA Registration Number of Consignee / Supplier: _____
 Enter the DEA Registration Number of Consignee (if reported by the supplier), or DEA Registration Number of Supplier (if the package was accepted by the consignee). If the controlled substances were shipped to a non-registrant, leave blank, unless a registered pharmacy shipped to an emergency kit held on site at a nursing home. In this case, the supplying pharmacy is required to report the theft or loss.

4. If this was a robbery, were any people injured? No Yes (if yes, how many?): _____ **Were any people killed?** No Yes (if yes, how many?): _____

5. What is the total value of the controlled substances stolen or lost? \$ _____
 (This is the amount you paid for the controlled substances, not the retail value.)

6. Was theft reported to Police? No Yes (if yes, fill out the following information):
 Name of Police Department: _____ Police Report number: _____
 Name of Responding Officer: _____ Phone No.: _____

7. Which corrective measure(s) have you taken to prevent a future theft or loss?

<input type="checkbox"/> Installed monitoring equipment (e.g. video camera).	<input type="checkbox"/> Provided security training to staff.
<input type="checkbox"/> Increased employee monitoring (e.g. random drug tests).	<input type="checkbox"/> Requested increased security patrols by Police.
<input type="checkbox"/> Installed metal bars or other security on doors or windows.	<input type="checkbox"/> Hired security guards for premises.
<input type="checkbox"/> Secured Controlled Substances within safe.	<input type="checkbox"/> Terminated employee.
<input type="checkbox"/> Other (Please describe on last page).	

8. Were any pharmaceuticals or merchandise taken? No Yes (Estimated Value): _____



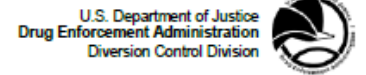
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DEA Form 106 Continued

Print Chemical and Drug Theft/Loss Report(s)

DEA FORM **106**

Report of Theft or Loss of **Instances**



Type of Report: (check one box only) New Report Amendment Key (prior report dated): 7RY8KBE7ND88

1. Enter your DEA Registration Number: ██████████
Name of Registrant: ██
Address: ██
City: ██████████ State: ████ ZIP Code: ██████
Point of Contact: JOHN JONES
Email Address: TOM@TIPP.COM Phone No.: 5555555555

Date of the Theft or Loss (or first discovery of theft or loss): April 01, 2019 Number of Thefts and Losses in the past 24 months: 1

Principal Business of Registrant: CHAIN PHARMACY

2. Type of theft or loss: BREAK-IN/BURGLARY

3. Loss in Transit. (*Fill out this section only if there was a loss in transit, or hijacking of transport vehicle.)
Name of Common Carrier: _____
Telephone Number of Common Carrier: _____ Package Tracking Number: _____
Have there been losses in transit from this same carrier in the past? No Yes (If yes, how many, excluding this theft or loss?): _____
Was the package received and accepted by the consignee? No Yes (If yes, the consignee is responsible for reporting the theft or loss.)
If the package was accepted by the consignee, did it appear to be tampered with? No Yes



DEA Form 106 ONLINE



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Chemical and Drug Theft/Loss Report Details

Date of Theft / Loss *

Type of theft / loss

- Select Theft/Loss Type -

Number of Thefts and Losses in the past 24 months *

Pharmaceuticals or Merchandise taken?

Yes (Est Value) No

Police Report Filed *

Which corrective measure(s) have you taken to prevent this from occurring?

- Installed monitoring equipment (e.g. video camera)
- Increased employee monitoring (e.g. random drug testing)
- Installed metal bars or other security on doors or windows
- Secured Controlled Substances within safe
- Other

Customer Theft (or Non Employee)

Loss in Transit

Disaster (fire, weather, etc.)

Terminated employee

Describe how theft or loss occurred.

512 characters remaining

Identifying Marks, Symbols, Price Codes (Controlled Substance only)

512 characters remaining

If Official Controlled Substance Order Forms (DEA-222) were stolen, give numbers

512 characters remaining

Previous

Next

Cancel

Logout



DEA Form 106 Continued

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Theft Loss Chemical / Drug / Disposal Details Entry

Add NDC Chemical Entry Add NDC Drug Entry Add Disposal Container Entry NDC Lookup

Previous Next

Drug Entry

NDC # *

Total Quantity Lost or Stolen *

NDC Product Details:

Trade Name	MYTUSSIN DAC SYRUP
Schedule	5
Dosage	ML
Dosage Strength	30 MG-10 MG-100 MG/5 ML (SYRUP)

Theft Loss Chemical / Drug / Disposal Details Entry

Add NDC Chemical Entry Add NDC Drug Entry Add Disposal Container Entry NDC Lookup

Reported Lost or Stolen Controlled Substances

Trader Name of Substance or Preparation	NDC #	Generic Name	Dosage Strength	Package Form	Total Quantity Lost or Stolen	
MYTUSSIN DAC SYRUP	60432054104	PSEUDOEPHEDRINE HCL/CODEINE PHOS/GUAIFENESIN	30 MG-10 MG-100 MG/5 ML	SYRUP	1000 ML	<input type="button" value="Edit"/> <input type="button" value="Delete"/>

Total Purchase Value of Controlled Substances stolen or lost \$

Previous Next



Employment Waivers

Title 21 CFR § 1301.76(a)

“The registrant shall not employ, as an agent or employee who has access to controlled substances, any person who has been convicted of a felony offense relating to controlled substances or who at any time, had an application for registration with the DEA denied, had a DEA registration revoked or has surrendered a DEA registration for cause.”



Employment Waivers

- The Regulation Applies To Those “Employees” Who:
- Have been convicted of a felony offense related to Controlled Substances
- Have had an Application for Registration Denied for a Controlled Substance offense
- Have had a DEA Registration Revoked or Surrendered for Cause related to a Controlled Substance offense

A practitioner is exempt from the employment waiver elements if the practitioner has a current DEA registration



Employment Waivers

The following factors are evaluated & must be addressed in the DEA Report of Investigation:

- Nature and extent of past violation(s)
- Activities of the prospective employee since the violation(s)
- Current status of state licensure of prospective employee
- Extent of proposed access to controlled substances
- The registrant's proposed physical and professional safeguards to prevent diversion of controlled substances by the prospective employee
- Other pertinent information relating to the handling of controlled substances



Employment Waivers

Employment Waivers are not transferable

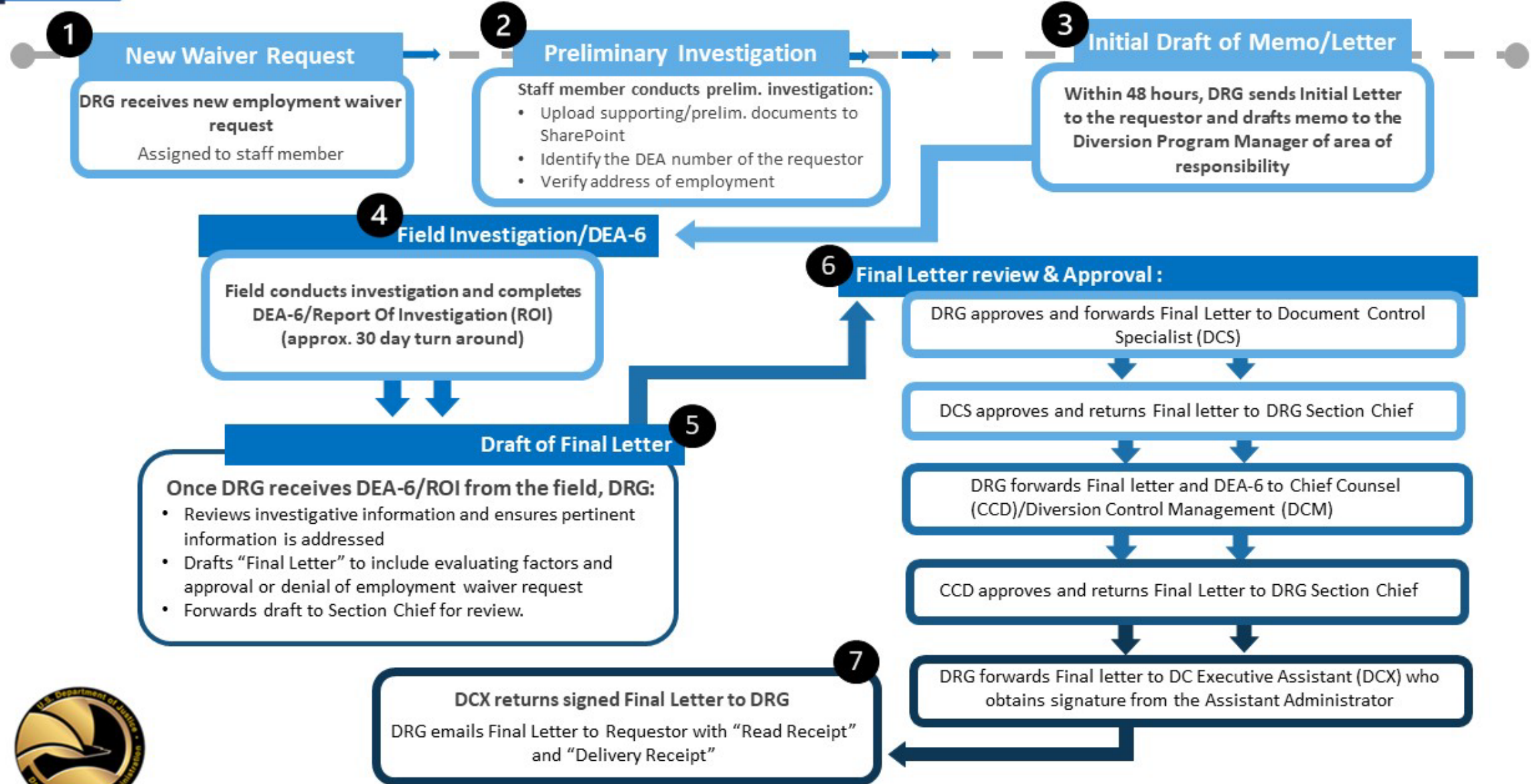
If an employee has been granted an approved employment waiver and decides to change employers, they will need the new employer to submit a new employment waiver request on their behalf.



Employment Waiver Workflow



Employment Waiver Workflow Chart





DRG Contact

Diversion Control Division/Regulatory Section (DRG)

DRG@dea.gov



THANK YOU