Title: Practice of Medicine

Question: Can a physician transport controlled substances and administer at the patient’s home residence (the so-called “black bag exception”)?

Answer: Yes, with a limit. DEA will permit a physician who is registered with DEA to dispense controlled substances at a particular location in a state to travel to other unregistered locations in the same state to dispense controlled substances on an “as-needed and random basis,” so long as the physician does not maintain a principal place of professional practice at any of those unregistered locations. See Jeffery J. Becker, D.D.S., 77 FR 72387, 72388 (Dec. 05, 2012); see also 21 U.S.C. 822(e)(1), 21 CFR 1301.12(b)(3). If a physician intends to dispense controlled substances from a particular location several times a week or month, he must first file a separate registration for the location. See Moore Clinical Trials, L.L.C., 79 FR 40145-02, 40155 (July 11, 2014) citing United States v. Clinical Leasing Serv., Inc., 930 F.2d 394, 395 (5th Cir. 1991). Registrants should keep themselves apprised of state and local laws otherwise consistent with DEA regulations regarding the dispensing of controlled substances in a patient’s home residence.

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