



U.S. DEPARTMENT OF JUSTICE ★ DRUG ENFORCEMENT ADMINISTRATION

# DIVERSION CONTROL DIVISION

 

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## What is DEA's policy concerning Locum Tenens?

### Question: What is DEA's policy concerning Locum Tenens?

**Answer:** The Controlled Substances Act requires a separate registration for each principal place of business or professional practice where controlled substances are manufactured, distributed, or dispensed as set forth in **21 U.S.C. § 822(e)**. The DEA issues a registration based, in part, upon the authority to handle controlled substances granted by the state in which a practitioner practices, as set forth in **21 U.S.C. § 823(f)**.

**Title 21 C.F.R. § 1301.12(a)** states, "A separate registration is required for each principal place of business or professional practice at one general physical location where controlled substances are manufactured, distributed, imported, exported, or dispensed by a person." **Title 21 U.S.C. § 802(10)** defines the word "dispense." The term "dispense" means "to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance . . ."

DEA has provided a limited exception to this requirement in that practitioners who register at one location in a state, but practice at other locations within the same state, are not required to register with DEA at any other location in that state at which they only prescribe controlled substances. **21 C.F.R. § 1301.12(b)(3)**. If they maintain supplies of controlled substances, administer, or directly dispense controlled substances at a location, practitioners must register that location. **21 U.S.C. § 823(f)**.

This information is addressed in more detail by DEA in the Final Rule, [Clarification of Registration Requirements for Individual Practitioners](#), which DEA published in the Federal Register on December 1, 2006.

Please be aware that practitioners who wish to administer, dispense, or prescribe controlled substances in multiple states have the following options regarding a DEA registration:

1. Practitioners will need to obtain a separate DEA registration in each state where they plan to administer, dispense, or prescribe controlled substances.
2. If the practitioners will be working solely in a hospital/clinic setting, they may use the hospital's DEA registration instead of registering independently with DEA if the hospital agrees and the situation warrants. **21 C.F.R. § 1301.22(c)**.
3. Alternately, under **21 C.F.R. § 1301.51**, practitioners may transfer their existing DEA registration from one state to another as needed by contacting DEA's Registration and Program Support Section at 1-800-882-9539 or request the change online at [www.DEAdiversion.usdoj.gov](http://www.DEAdiversion.usdoj.gov). DEA will investigate each modification of registration as if it was a new application. DEA will issue a new DEA certificate with the appropriate changes if DEA approves the modification.
4. DEA has provided a limited exception to this requirement in that practitioners who register at one location in a state, but practice at other locations within the same state, are not required to register with DEA at any other location in that state at which they only prescribe controlled substances. **21 CFR § 1301.12(b)(3)**.

As a first step in the regulatory drafting process, on October 28, 2009, the DEA published in the Federal Register an Advanced Notice of Proposed Rulemaking titled, [Registration Requirements for Individual Practitioners operating in a "Locum Tenens" Capacity](#). Any changes that DEA proposes regarding Locum Tenens will first be published in the Federal Register and will be open to public comment.

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