Combating Pharmaceutical Diversion

Pharmacy Diversion Awareness Conference
Albuquerque, New Mexico
March 2 and 3, 2013

Ruth A. Carter
Unit Chief
Regulatory Section – Import/Export Unit
Ruth.A.Carter@usdoj.gov
(202) 307-7969
Financial Disclosure

Ruth Carter
Unit Chief
Regulatory Section
Office of Diversion Control
Drug Enforcement Administration

No Financial Relationships to Disclose
61.8% increase in the prescription opioid overdose death rate between 2001 and 2010

Source: State of New Mexico Department of Health Press Release, “Sales of Prescription Opioids and Overdose Deaths Grow at Astounding Rate over Decade”, 05/16/12
### Rates of Drug Overdose Death, Nonmedical Use of Opioid Pain Relievers (OPR), and OPR Sales, by State, 2008

<table>
<thead>
<tr>
<th>State</th>
<th>Drug overdose deaths*</th>
<th>OPR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Overall</td>
<td>Non-Hispanic whites</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
<td>Rate</td>
</tr>
<tr>
<td><strong>Ranking</strong></td>
<td><strong>National</strong></td>
<td>11.9</td>
</tr>
<tr>
<td>1</td>
<td>New Mexico</td>
<td>27</td>
</tr>
<tr>
<td>2</td>
<td>West Virginia</td>
<td>25.8</td>
</tr>
<tr>
<td>3</td>
<td>Nevada</td>
<td>19.6</td>
</tr>
<tr>
<td>4</td>
<td>Utah</td>
<td>18.4</td>
</tr>
<tr>
<td>5</td>
<td>Alaska</td>
<td>18.1</td>
</tr>
<tr>
<td>6</td>
<td>Kentucky</td>
<td>17.9</td>
</tr>
<tr>
<td>7</td>
<td>Rhode Island</td>
<td>17.2</td>
</tr>
<tr>
<td>8</td>
<td>Florida</td>
<td>16.5</td>
</tr>
<tr>
<td>9</td>
<td>Oklahoma</td>
<td>15.8</td>
</tr>
<tr>
<td>10</td>
<td>Ohio</td>
<td>15.1</td>
</tr>
</tbody>
</table>

- Deaths per 100,000 population in 2008; age-adjusted to the 2000 U.S. standard population using the vintage 2008 population.
- § Kilograms of OPR sold per 10,000 population in morphine equivalents in 2010.
- † Rate is not significantly different from the national rate.
- Source: [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6043a4.htm?s_cid=mm6043a4_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6043a4.htm?s_cid=mm6043a4_w)
Objectives

• Common Methods of Pharmaceutical Diversion

• Methods used by DEA to Combat Pharmaceutical Diversion
Common Methods of Diversion

- Illegal prescriptions
- Practitioner Shopping
- Employee Theft
- Robberies and Burglaries
- Fraudulent Prescription
  - Unauthorized call-in
  - Forgery
  - Prescription addition
  - Telephone scam
Circumstance surrounding the presentation of a controlled substance prescription that does or should raise a reasonable suspicion as to the validity of a prescription
The following “red Flags” are common examples of a circumstance that could be a red flag, either alone or in combination with other circumstances. This list should not be considered an exhaustive list or all-inclusive list of potential “red flags”
Common Red Flags

• Customers request brand name by slang terms ("the Ms" or "the Blues")

• Pattern prescribing – multiple individuals presenting prescriptions for the same drugs, for the same or similar quantities, and from the same prescriber

• Distance anomalies - patient and prescriber are in different locations from each other
People who are not regular patrons or residents of the community, show up with prescriptions from the same prescriber

Shared addresses by customers presenting same or similar prescriptions from the same prescriber on same day

Family members receive prescriptions from same prescriber
Common Red Flags

- Action against prescriber by state regulatory boards and/or law enforcement relating to the issuance of controlled substance prescriptions
- Prescription that indicates customer has been “practitioner shopping” (multiple prescribers at one time) from pharmacy patient profile
- Cash payments - in combination with other circumstances
What Can I Do?

✓ Talk to your customer

✓ Speak to the prescriber and inquire about dependence and withdrawal

✓ Document all correspondence with prescribing practitioner and office
Check state Prescription Drug Monitoring Program (PDMP) and neighboring state PDMP

Talk with other pharmacists in your area

Pay attention to local and national news

Report it to your state Professional Licensing Board and/or local DEA Office
What Can I Do?

✔ Verify prescriber DEA registration number, office address and telephone number
  ✔ www.deadiversion.usdoj.gov

✔ Internet search engine

✔ If in doubt, DON’T dispense the controlled substances
Methods Used by DEA to Combat Pharmaceutical Diversion
Office of Diversion Control

To prevent, detect, and investigate the diversion of controlled substances from legitimate sources

while

Ensuring an adequate and uninterrupted supply for legitimate medical and scientific purposes
Regulatory Investigations

• Increase in the number of DEA registrants who are required to be investigated to ensure compliance with Controlled Substances Act
• Increase in the frequency of regulatory investigations of DEA registrants
• Verification investigations of customers and suppliers
Tactical Diversion Squad (TDS)

• Combine DEA resources with those of federal, state, and local law enforcement agencies in an innovative effort to investigate, disrupt, and dismantle those suspected of violating the CSA or other appropriate federal, state or local statutes pertaining to the diversion of licit pharmaceuticals and/or chemicals.
Tactical Diversion Squad (TDS)

- 51 TDS Groups nationwide

- Albuquerque TDS and Diversion Group
  2660 Fritts Crossing SE
  Albuquerque, NM 87106
  Telephone Number: (505) 452-4500
  Facsimile: (505) 873-9925
DEA Legal Recourse

• Administrative
  • Letter of Admonition
  • Memorandum of Agreement
  • Order to Show Cause (OTSC)
  • Immediate Suspension Order (ISO)
• Civil
  • Fines
• Criminal
  • Arrests
  • Convictions
Administrative Actions
New Mexico

September 2008 to February 2013

Letter of Admonition 85
Memorandum of Agreement 12
Surrender for Cause 29
Order to Show Cause 13
Immediate Suspension Order 2
Pharmacy Case Examples
Fraudulent Prescriptions

- Case Began in November 2009
- DEA Safe Tip Line received an anonymous call regarding prescription forgeries
Case Summary

• Investigators reviewed Prescription Monitoring Program

• Local pharmacy identified person who had picked up the controlled substances as a pharmacy technician

• Investigators obtained original prescriptions

• Practitioners identified prescriptions as forgeries
In February 2010 a federal search warrant was executed at Technician residence. The following items of evidence were seized during the search warrant:

- Computers
• Paper Packaging
Search Warrant Continued

- Receipts and Notes
Search Warrant Continued

• Weapons
Computer Search revealed templates matching the forgeries for MANNM and DOC
**Post Search Warrant Evidence**

- Search of shred bag revealed shredded prescriptions matching the forgeries
Case Results

• June 2, 2010, Technician federally convicted
  • 14 counts using forged and fraudulent prescriptions to obtain controlled substances
  • 2 counts defrauding health care benefit programs
  • 1 count prescription drug addict in possession of firearm
  • 2 counts using ID of another to fraudulently obtain controlled substances

• Technician sentenced to federal prison
Cash Theft Videos
Credit Card Theft Video
Where’s the Diversion?

Pharmacist was caught on tape stealing drugs from the pharmacy counter – and ingesting pills straight from the stock bottle.
What is that.......a Camera?
Case Summary

- Pharmacist admitted he obtained expired drugs from customers, other pharmacies, and physicians to send to 3rd world countries
- The drugs were placed in bottles and dispensed to customers
- Increased pharmacy’s stock to appear more profitable and masked the theft of cash and drugs
Case Results

- Administrative
  - Memorandum of Agreement
    33 Pharmacies Pacific Northwest

- Civil
  - $425,000 - Corporate Civil fine

- Criminal
  - Federal drug conviction
    Sentenced federal prison
Lessons Learned

• Collaboration and Communication is Key!
  • Law Enforcement
  • Regulatory Agencies
  • Professionals – Pharmacists and Doctors

• Documentation is important
  • Pick-up Logs
  • Video
  • Payments
  • Statements
What are two methods of pharmaceutical diversion?
What is one red flag a pharmacist should consider prior to dispensing a controlled substance?
Self-Assessment Question #3

One of the legal recourses that DEA has to combat diversion is administrative action. What are two other recourses available to DEA?
QUESTIONS?
CPE Voucher
Code: