



Combating Pharmaceutical Diversion



Pharmacy Diversion Awareness Conference
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Financial Disclosure

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**No Financial Relationships to
Disclose**

Prescription Drug Overdoses

New Mexico

- **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

Ranking	State	Drug overdose deaths*		OPR	
		Overall	Non-Hispanic whites	Nonmedical use†	Sales§
		Rate	Rate	%	Rate
	National	11.9	14.7	4.8	7.1
1	New Mexico	27	25.1	5.7¶	6.7
2	West Virginia	25.8	26.6	5.9¶	9.4
3	Nevada	19.6	27.5	5.9¶	11.8
4	Utah	18.4	20.4	5.3¶	7.4¶
5	Alaska	18.1	18.1¶	5.2¶	8.2
6	Kentucky	17.9	19.6	6	9
7	Rhode Island	17.2	19.5	6.1	5.9
8	Florida	16.5	23.9	4.1	12.6
9	Oklahoma	15.8	17.5	8.1	9.2
10	Ohio	15.1	16	5.5	7.9

- 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
- CDC Vital Signs: Overdoses of Prescription Opioid Pain Relievers, U.S., 1999-2008

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



Red Flags

Circumstance surrounding the presentation of a controlled substance prescription that does or should raise a reasonable suspicion as to the validity of a prescription

Common Red Flags

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

Common Red Flags

- 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

What Can I Do?

- ✓ 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.dea diversion.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



WANTED!!
Report prescription drug dealers!

CALL **DEA-SAFE**
3 3 2 - 7 2 3 3
Rewards Available

**Save a friend.
Save your family.
Save yourself.**



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

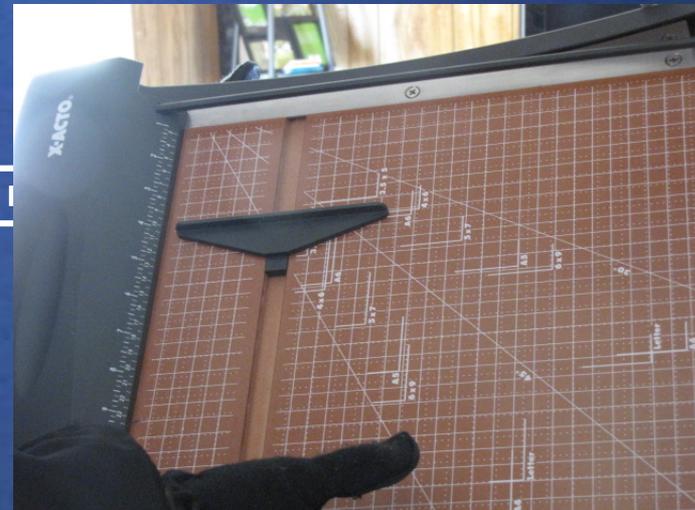
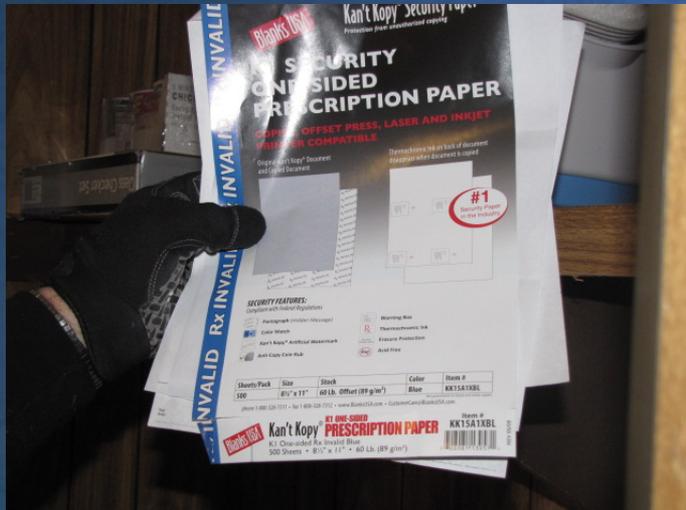
Search Warrant

- In February 2010 a federal search warrant was executed at Technician residence
- The following items of evidence were seized during the search warrant:
- Computers



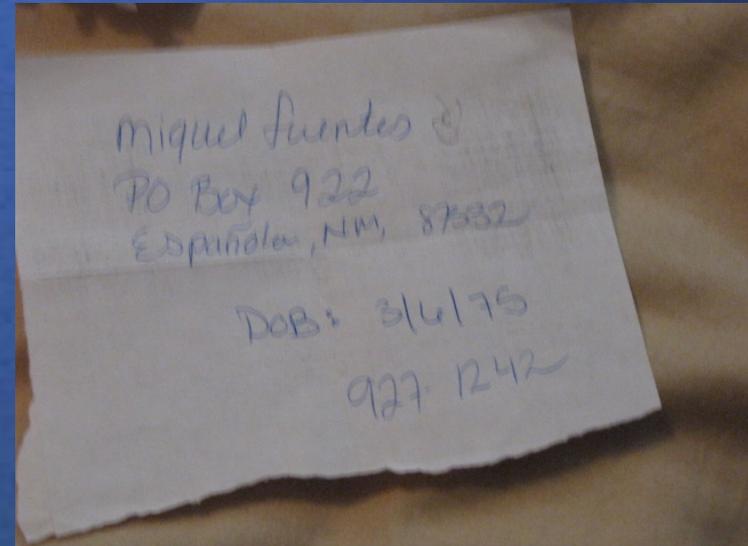
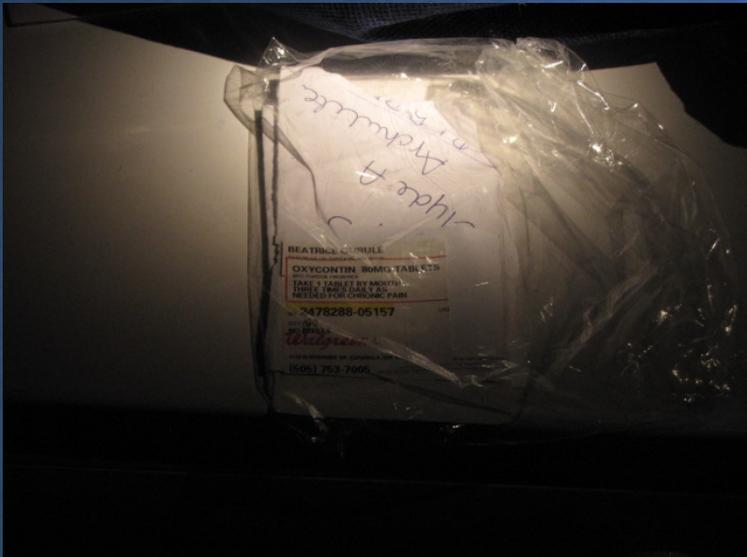
Search Warrant Continued

- Paper Packaging



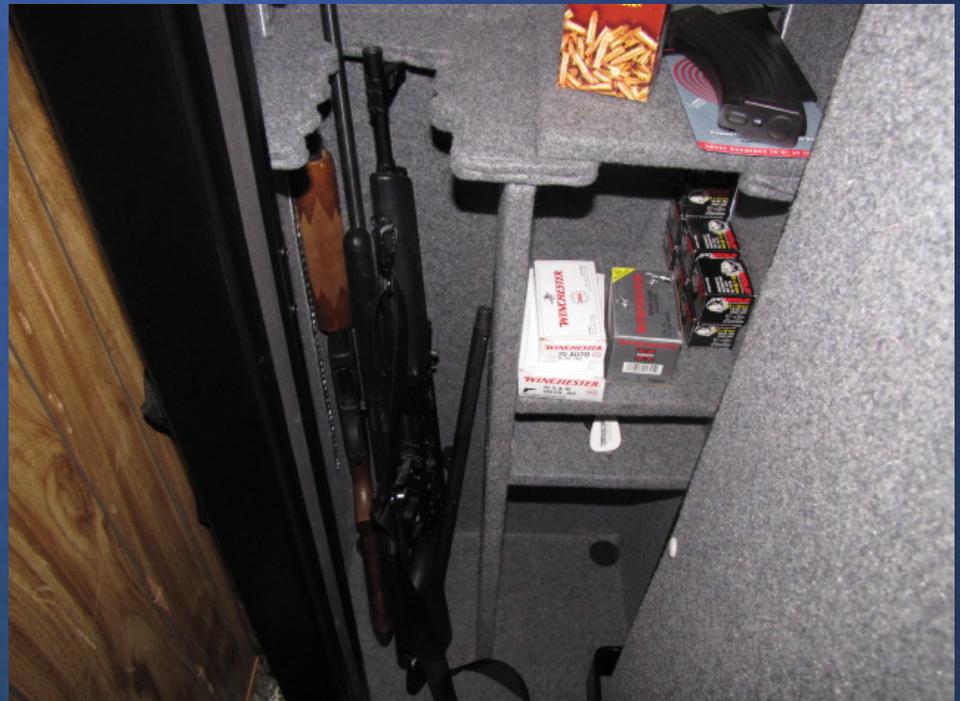
Search Warrant Continued

- Receipts and Notes



Search Warrant Continued

- Weapons



Post Search Warrant Evidence

- Computer Search revealed templates matching the forgeries for MANNM and DOC

MEDICAL ASSOCIATES OF NORTHERN NEW MEXICO
DAVID R. CHURCH, M.D. SHARIE. FREYER, P.A.
DEA #A1939745 NM UC #83-19 DEA #MF0313089 NM UC #97-PA27
PAUL C. DALY, M.D. MILTON A. MATTESON, PA-C
DEA #B04431253 NM UC #89-24 DEA #MM0674805 NM LIC #PA2003-0039
KRISTIN R. BECKER, PA-C
DEA #MB0482125 NM UC #2002-0038
3917 WEST ROAD, SUITE C
LOS ALAMOS, NM 87544
505-661-8900 FAX: 505-661-8961
[HTTP://WWW.MANNM.COM](http://www.mannm.com)

NAME _____ DATE _____

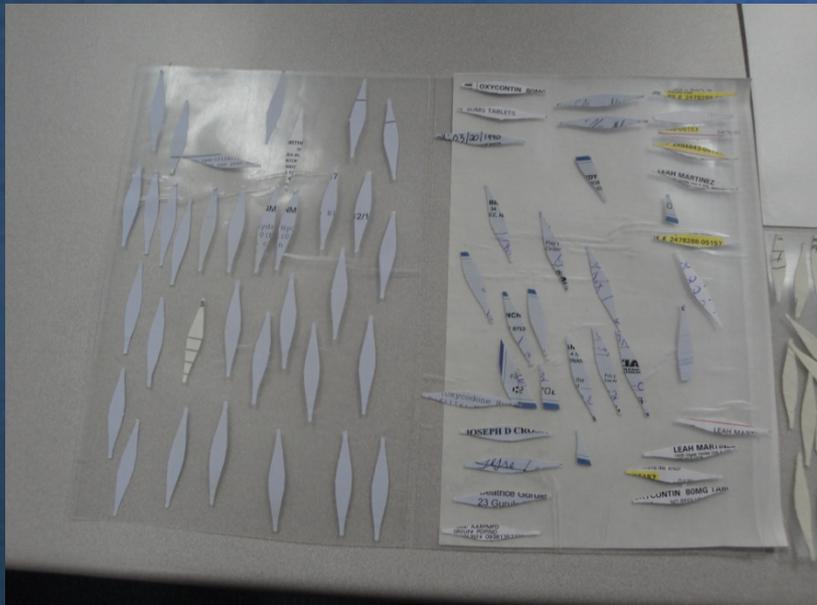
ADDRESS _____

(Please Print)

Label
Refill -0-1-2-3-4-PRN

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



Case Summary

- 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?



30/08/2008 08:24:38 AM 1

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

Self-Assessment Question # 1

What are two methods of pharmaceutical diversion?

Self-Assessment Question #2

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: