Pharmacy Drug Diversion and Drug Compliance

Nancy Hall
Drug Compliance Investigator
Illinois Department of Financial and Professional Regulation
OBJECTIVES

- To raise awareness of the impact and types of drug diversion in pharmacies
- To provide pharmacies approaches to identify possible drug diversion
- To improve methods of pharmacy security
- To introduce updated Illinois Pharmacy Administrative Rules
- To provide informative resources
Drug Diversion in Pharmacies

Who ?
What ?
Where ?
How ?
Walgreens pharmacist arrested on the job in Jefferson County in theft of drugs

JENNINGS • Police investigators say it is possible they are dealing with a Walgreens here where they were surprised during a theft of prescription medications.

St. Louis County Officer Adam Haxton said investigators found two Walgreens in Jefferson County.

Ross, a 29-year-old man, was arrested and taken to the Jefferson County Jail. Haxton said Ross admitted to stealing prescription medications from a Walgreens.

When interviewed Tuesday, Ross said he was working at the store but had not done anything to warrant the arrest.

Ross said he was at the store when he noticed a man stealing prescription medications and decided to follow him.

When the man left the store, Ross followed him and returned to the Walgreens to search for the stolen goods.

Ross said he saw a man leaving the store and decided to follow him.

“Until I see it for myself, I will not believe it,” Ross said.

Prosecutors recently charged Ross with theft.

One involves his work as a pharmacist for Walgreens in Jefferson County, in....
IDFPR DISCIPLINE REPORT  PHARMACY  March 2013

Ronda Bayne, Middletown – pharmacy technician license (049-208177) placed on or refuse to renew status for being more than 10 days delinquent in the payment of child support.

David Behrends, Schaumburg – pharmacy technician license (049-218227) suspended for being more than 10 days delinquent in the payment of child support.

Nicole Dyer, Ashland – pharmacy technician license (049-163770) placed in refuse to renew status after the Department received information that she diverted controlled substances from her former pharmacy employer by engaging in conduct including forging prescriptions.

David Haines, Glen Carbon – pharmacy technician license (049-205328) indefinitely suspended for a minimum of two years after information came to the Department's attention indicating that he admitted and was subsequently terminated by his employer for diversion of controlled substances, specifically hydrocodone and alprazolam, for personal use. Related to said conduct, pleaded guilty to the charge of unlawful possession of a controlled substance on or about December 3, 2012.

Jordan Landry, Chicago – pharmacy technician license (049-186625) permanently revoked for the arrest and charge of illegal substances, and controlled substances without a physician's authorization.

Tammy Maurer, Loves Park – pharmacy technician license (049-068810) placed in refuse to renew status due to being convicted of unlawful possession of controlled substances on December 30, 2003 in the Circuit Court of Boone County, Illinois.

Erica Price, Shelbyville – pharmacy technician license (049-126678) placed in refuse to renew status after the Department received information that she diverted controlled substances from her former pharmacy employer and, related to said conduct, pleaded guilty to the charge of Possession of a Controlled Substance.

Judith Vicknasky, Elgin – pharmacy technician license (049-123532) placed in refuse to renew status due to being found guilty of unlawful financial exploitation of the elderly and the infirm.

Wendy White, Springfield – pharmacy technician license (049-217355) placed in refuse to renew status for being more than 10 days delinquent in the payment of child support.

Daina Bowser, Mundelein – pharmacist license (051-039389) placed on indefinite probation for a minimum of five years after information came to the Department's attention indicating that she was terminated from her pharmacist position due to diversion of controlled substances for self-use and then pleaded guilty to a misdemeanor for Attempted Unlawful Possession of Controlled Substances.

Siegfried Foreman, Kildeer – pharmacist license (051-029104) reprimanded for allowing the unlicensed practice of pharmacy.

Joel Gostomelsky, Deerfield – pharmacist license (051-035347) restored to probation for one year effective upon payment of fees and filing of forms.

James Haney, Wales, WI – pharmacist license (051-286145) suspended for three months after his Wisconsin pharmacist license was suspended for three months for, at least in part, diverted controlled substances from his former pharmacy employer and he failed to report the discipline to the Department within 60 days.

Jody Piet, Orland Park – pharmacist license (051-035457) reprimanded after the Department received information indicating that she, while serving as a pharmacist-in-charge, engaged in conduct including but not limited to removing medication from her pharmacy without a legitimate prescription and diverting controlled substances.
Drug Diversion in Pharmacies

- Who?
  - Internal Diversion
    - Pharmacy Technicians
    - Pharmacists
    - Ancillary Employees and Colleagues
    - Employee Family and Friends
    - Young and Old
    - Spans All Career Milestones
Drug Diversion in Pharmacies

What?

- Narcotics
  - Hydrocodone/apap, phenergan/cod, apap/cod, fentanyl, morphine, Cheratussin/cod
- Benzos
  - Alprazolam, clonazepam
- Stimulants
  - Phentermine, ADHD meds
- Steroids
  - Testosterone, clomid, HGH

Etc…….
Drug Diversion in Pharmacies

Where?

- Retail and Community Pharmacies
- Hospitals
- Long Term Care Pharmacies
- Corporate Owned and Independent
- Wholesale Drug Distributors
- No Pharmacy is Immune
Drug Diversion in Pharmacies

How?

• Fraudulent and Forged Prescriptions
• Adding Refills
• Inventory Manipulation
• Hiding Drugs on Person, or in Possessions
• Access to Expired Meds
• Access to Return to Stock Meds
• The Highly Motivated are Inventive and Opportunistic
"Ask your doctor if taking a pill to solve all your problems is right for you."
Identifying Drug Diversion
Identifying Drug Diversion

- **Know who you hire**
  - Basic county court information is available to the public on many websites. E.g. [www.judici.com](http://www.judici.com)
  - Often techs are caught within early months of being licensed

- **Be aware of behavior changes in long term employees.**
  - Influences of parents, spouses, the new boyfriend.

- **Cameras and camera placement**
Identifying Drug Diversion

- Drug Inventories vs. drug dispensing
  - Use your reports. Do they make sense
  - Are you ordering in excess of dispensing
- Who has keys to the safe?
  - In Illinois CIIIs are required to be locked
- Use available reports
  - Especially CSOS, Pyxis and Omnicell
  - Look at waste records, is it the same person?
- After hours access into the pharmacy
  - Security systems record individual codes
  - Cell phone alert of entry to pharmacy and safe
Role of Consultant NH Pharmacists
• Their handling of drugs would likely be rare

Pharmacist ‘floaters’
• Pharmacists have spread out their diversion across multiple pharmacies
• Technicians have adjusted counts and entered fraudulent Rxs and refills when floaters present because unfamiliar with normal routines, MD, patients, etc.

Bags, large pockets, ‘Big Gulps’, trash
• It’s dumpster diving after hours

As Always, Utilize Good Faith Dispensing AND use your PMP as a resource.
• 720 ILCS 570/102.u
“Try to focus less on a cure and more on a treatment you can afford.”
Improvements to Pharmacy Security
Illinois now requires ANNUAL CS Inventories
Establish schedules for interim spot check audits on counts of CS
Store unopened stock bottles of CS (III-V) in the CII safe until actively dispensed
Get a “real” safe for your CIIIs
Strategic camera placement to view CS
Give each employee with a key to the store, an individual security code
Improvements to Pharmacy Security

- Keep CII’s locked up except during active dispensing
- CII safe key should not be stored in the pharmacy ‘junk drawer’

Telepharmacy-Remote Dispensing and Remote Consultation

- All CS are locked
- Camera placement for full viewing of dispensing
- Routinely review pharmacy access records
- May choose to do background investigation of employee
Improvements to Pharmacy Security

- No bags, backpacks, purses in CS dispensing and storage areas
- Use two different people for ordering and checking in of CS
- Non-pharmacy personnel should not be routinely entering the pharmacy or ‘hanging-out’
- Lobby for automated dispensing machines in hospitals
  - Provide invaluable access and administration records
New Illinois Pharmacy Laws

Illinois Pharmacy Practice Act and Administrative Rules

Illinois Controlled Substance Act and Administrative Rules
PPA Administrative Rules

- JCAR Administrative Code
- Rules for the Administration of the Pharmacy Practice Act  PART 1330
- Signed into effect on April 23, 2015
- Section 1330.510 Telepharmacy
  - Not new but Illinois does now have some of these pharmacies
Section 1330.680 Automated Dispensing and Storage Systems

- d) An automated dispensing and storage system is authorized for use in any licensed hospital, long-term care facility, or hospice residence ("facility"). For all nonresident pharmacies, the pharmacist-in-charge and all pharmacy personnel who provide services while physically present at a facility located in Illinois must be licensed in Illinois.

Section 1330.800 Pharmacy Self-Inspection

- The annual self-inspection shall be conducted during the same month each year with documentation maintained in the pharmacy for 5 years. It's an opportunity to identify and correct areas of non-compliance. Includes recordkeeping, inventory, labeling and sanitation.
IL CSA Administrative Rules

- JCAR Administrative Code
- Rules for the Administration of the Illinois Controlled Substance Act
- 77 ILL Adm. Code 3100
- Signed into law on February 27, 2015
  - These now correspond to the new IL CSA that went into effect on 1/1/12
Section 3100.310 Security Requirements Generally

- d) Personal bags of any kind, including but not limited to purses, handbags and backpacks, are prohibited in any area where controlled substances are handled and/or stored.
- e) A basic alarm system that detects unauthorized entry into the pharmacy area. This does not apply to 24-hour pharmacies that never close.
- f) All pharmacies are required to maintain a key to the licensed pharmacy area held by an employee of the pharmacy who is a licensed pharmacist or a registered pharmacy technician or certified pharmacy technician.
Section 3100.360  Record and Inventorying Requirements

Generally

• c) Every licensee shall conduct an annual inventory that includes an inventory with an actual count of the inventory on hand for all Schedule II Controlled Substances and an approximate inventory for all Schedule III, IV and V Controlled Substances. The inventory shall be maintained for a period of not less than 5 years.

• d) After a loss or theft of controlled substances, a licensee shall conduct an approximate count inventory with a start date of the last inventory for the controlled substance that was either lost or stolen.

• e) In every instance that a licensee is required by 21 CFR 1301.76 (April 1, 2014) to file with the DEA a Report of Theft or Loss of Controlled Substances (Form 106), a copy shall be sent to the Division within one business day after submission to the DEA, along with the printed name of the person who signed the form. Failure to do so may result in discipline of the licensee. This information should be sent to the Drug Compliance Unit of the Division.
**Section 3100.400 Requirement of Prescription for Schedule II Controlled Substances**

**a)** A pharmacist may fill a Schedule II controlled substance prescription upon a written or electronic prescription that conforms with the requirements of Section 311.5 or 312 of the Act, respectively, and the requirements of this Part.

**c)** Changes in a Prescription

**1)** A pharmacist may not change the following components of a prescription for a Schedule II controlled substance:

- **A)** Date written, or add the date;
- **B)** Name of the patient;
- **C)** Name of the prescriber, or add a signature; and
- **D)** Name of the drug.

**2)** Any other components of a prescription for a Schedule II controlled substance may be changed after consultation with the prescriber.
“You have a lot of boring health issues, so I’m prescribing medical marijuana for myself.”
State and Federal Online Resources
Navigation of the Department of Financial and Professional Regulation website

IDFPR has four Divisions

- Professional Regulation (Pharmacy)
- Banking
- Non-banking Financial Institutions
- Real Estate
Federal Resources
www.deadiversion.usdoj.gov

PHARMACIST MANUAL

- A manual written in clear language that provides details and guidance for compliance requirements of Title 21 Code of Federal Regs
- It includes information such as registration, security, inventory, prescription, and order requirements
- Can be downloaded as a pdf or printed
To access the Pharmacists Manual

Click thru:

- [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)
  - Publications & Manuals
    - Manuals
    - Pharmacist Manual (2010)
DEA Questions & Answers

- A link on the homepage
- Provides detailed and referenced answers to many frequently asked questions.
National Take-Back Initiative
Got Drugs? - National Prescription Drug Take-Back Day
September 26, 2015
10AM to 2PM

- The National Prescription Drug Take-Back Day aims to provide a safe, convenient, and responsible means of disposing of prescription drugs, while also educating the general public about the potential for abuse of medications.

Please check back on September 1, 2015 to locate collection sites near you.
“It keeps me from looking at my phone every two seconds.”