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## DEA Issues Diversion Rules: Transporting, Storing and Obtaining Controlled Substances



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## Learning Objectives

- At the end of this presentation the participants will be able to
  - Explain why the Drug Enforcement Agency (DEA) and Department of Justice (DOJ) have implemented strict diversion processes for Controlled Substances
  - Analyze current diversion rules and the impact they have for out of hospital administration of controlled substances and improvements that can be made
  - Summarize the recent DEA Medical Assisted Treatment (MAT) training and resources to meet the requirement
- I have the following financial interests or conflicts to disclose:
  - Chief Medical Officer for Mobile Anesthesiologists

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## Background

- Controlled Substances Act (CSA)
  - Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970
- Drug Enforcement Agency (DEA) Diversion Control Division
  - Controlled Pharmaceuticals
  - Listed Chemicals

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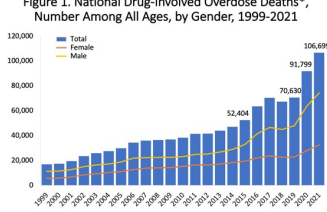
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## Why diversion matters

Scope of the Problem


Figure 1. National Drug-Involved Overdose Deaths\*, Number Among All Ages, by Gender, 1999-2021



\*Includes deaths with underlying causes of unintentional drug poisoning (D02-D04), suicide drug poisoning (D05-D06), homicide drug poisoning (D07), or drug poisoning of undetermined intent (D10-D14), as coded in the International Classification of Diseases, 10th Revision. Source: Centers for Disease Control and Prevention, National Center for Health Statistics, Multiple Cause of Death 1999-2021 on CDC WONDER Online Database, released 12/2022.

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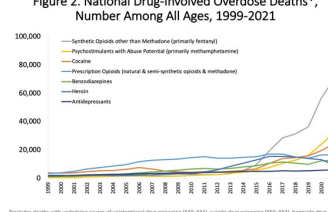
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## Why diversion matters

Scope of the problem


Figure 2. National Drug-Involved Overdose Deaths\*, Number Among All Ages, 1999-2021



\*Includes deaths with underlying causes of unintentional drug poisoning (D02-D04), suicide drug poisoning (D05-D06), homicide drug poisoning (D07), or drug poisoning of undetermined intent (D10-D14), as coded in the International Classification of Diseases, 10th Revision. Source: Centers for Disease Control and Prevention, National Center for Health Statistics, Multiple Cause of Death 1999-2021 on CDC WONDER Online Database, released 12/2022.

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## Why diversion matters

Scope of the problem

“In 2020, the ballpark cost of the opioid epidemic is now more than \$1.3 trillion and rising, according to a *Forbes* estimate using the same approach as the CDC.”

-Kate Jennings, Forbes

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## DEA Diversion rules

- Current State
  - Scheduled narcotics including fentanyl, morphine, hydromorphone (II), ketamine (III) and midazolam (IV) must be delivered by a licensed distributor directly to the site of administration
  - A DEA registration must be held for each physical address
  - Opiates (schedule 2) must be ordered using a 222 form unique to that address
  - “Black bag exception”

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## DEA Diversion rules

- Current State Shortcomings
  - Patient access to standard of care therapies
  - Wasting of limited resources
  - Increased diversion potential

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## DEA Diversion Rules

- Ideal state for office-based anesthesiologists
  - DEA license held for address where narcotics are delivered by a distributor
  - Medications securely maintained
  - Licensed physicians or employees acting on their order can transport the narcotics securely to site of patient care
  - Any unused, unopened vials can be returned

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## DEA Diversion Rules

- Ideal state improvements
  - Improved patient access
  - Preservation of limited resources by reduced wastage
  - Contains costs
  - Reduced opportunities for diversion

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## SPORTS Act of 2023

- Saving Practices on Registered Transportation of Substances (SPORTS) Act of 2023
- Bill proposed to allow physicians to apply for a separate registration to transport controlled substances across state lines
- Allows provider to travel with narcotics (out of state) for up to 96 hours away from primary practice location
- Also confers ability to move medications in state to places other than principal place of business
- Built to mirror Veterinary Mobility Act of 2014

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## SPORTS Act of 2023

- Limitations include:
  - Physician must transport personally
  - Focuses on out of state transport
  - 96 hour limit
  - Still uses wording of “not a principal place of business or professional practice”

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## DEA MATE Act of 2023



Section 1263 of the 'Consolidated Appropriations Act of 2023' otherwise known as the Medication Access and Training Expansion (MATE) Act

- Requires at least 8 hours of training on opioid or other substance use disorders
- Grants authority to the Assistant Secretary for Mental Health and Substance Use and the Department of Health & Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) to determine what curriculum satisfies this requirement

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## DEA MAT requirement



What is required of all DEA registrants?

One of the following

- 8 hours of training on opioid and other substance use disorders
- Board certification in addiction medicine or addiction psychiatry
- Graduation within 5 years and in good standing from a medical school in the United States

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## 8 hour training



- Doesn't need to be all in one course
- Can include prior learning
- Multiple formats qualify
- All accredited continuing education sources

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## SUD training



Ideal curriculum expected content should be related to:

- Prevention of substance abuse
- Recognition of SUD
- Treatment of people with substance use disorders
  - concurrent pain
  - psychiatric and medical co-morbidities

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## Links for Online training



From SAMHSA :

<https://education.sudtraining.org/>  
<https://smokingcessationleadership.ucsf.edu/resources/curricula>

From ASA – free to members:

<https://www.asahq.org/shop-asa/e023r00w00>

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**• "Given the urgency of the nation's overdose crisis, the importance of practitioners receiving training in substance use disorders (SUD) cannot be overstated. Incorporating training on SUD into routine healthcare will enable practitioners to screen more widely for substance use disorders, treat pain appropriately, prevent substance misuse, and engage people in life-saving interventions." – SAMHSA**

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## References



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