

## Responding to Controlled Drug Diversion

### ISSUE

**Diversion:** Unlawful channeling of regulated drug products from legal prescribed sources for illicit use or redistribution. Diversion of Controlled Medications can negatively impact both your facility's rating and your nursing license if found to be complicit in deficient preventative measures, upon a failure to identify diversion in a timely manner, OR upon a **failure to take appropriate action following suspected controlled drug diversion.**

*To ensure appropriate response to suspected controlled drug diversion, consider these action steps:*

### IMMEDIATE ACTION

- Alert Director of Nursing or unit managers of potential diversion per facility policy\*
- DON to conduct requisite interviews prior to staff leaving the premises, per applicable state law and facility policy
- DON to notify consultant pharmacist and pharmacy director immediately
- DON assumes responsibility for INVESTIGATION and should follow facility policy regarding drug diversion

### INVESTIGATE AND RECORD

- WHEN suspected Diversion occurred (time frame)?
- WHO could be involved (all nursing staff that had access to medications)?
- WHAT was involved (list of medications, quantity, and strength)?
- WHICH resident(s) was/were involved?

### CONTACT

- Notify local police department to report suspected Drug Diversion within 24 hours (record contact info and case #)
- Notify Pharmacy (they may coordinate with Board of Pharmacy and DEA as necessary)
- Notify state Board of Nursing and Health Department, per applicable state law

### PLAN OF CORRECTION

- Corrective Plan should include education and increased frequency of intermittent audits
- Consultant Pharmacist can conduct **Preventing Diversion** in-service

### STATE SPECIFIC STEPS

- Check with your Consultant Pharmacist or Pharmacy Director for any state specific guidance

*\* The facility must maintain policies and procedures that provide prompt identification of loss or potential diversion of controlled medications (F755) and reporting of suspected crimes (F608)*

### **CMS State Operations Manual Potential Survey Tags around instances of drug diversion**

**F602 5483.12:** The resident has the right to be free from abuse, neglect, misappropriation of resident property, and exploitation E.g.: the diversion of a resident's medication(s), including, but not limited to, controlled substances for staff use or personal gain.

**F608 5483.12(b) (5):** The facility must develop and implement written policies and procedures that: Ensure reporting of crimes occurring in federally-funded long-term care facilities

**F697 5483.25(k):** Pain Management. The facility must ensure that pain management is provided to residents who require such services, consistent with professional standards of practice...

Narcotic pain relievers are frequent targets of drug diversion; residents victim of this diversion may face citable unaddressed pain

**F755 5483.45(b)(3):** The facility must employ or obtain the services of a licensed pharmacist who—Determines that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled