

## The Hazards of Directly Ordering Controlled Substances from Drug Wholesalers



As a licensed health care professional you may have received correspondence from drug wholesalers letting you know that it is possible to order bulk quantities of drugs, including controlled substances. The prices may be attractive, but there are some issues that arise with ordering direct that may make it less attractive in the long run. The Board has had several cases in recent years in which licensees, with no ill intent, have run afoul of federal laws, federal regulations and Board of Medical Practice Rules. Sometimes the licensee ordered drugs as a convenience and to save money for patients.

Sometimes it has been for family members or themselves to obtain prescription drugs at a reduced cost. Whatever the reason for ordering drugs direct, the Board urges you to be sure you understand all the implications before you place an order.

One of the most frequent problems for health care providers who dispense from the office is that they do not comply with the federal laws and DEA regulations that pertain to the storage and dispensing of controlled substances. Any licensee who orders controlled substances must meet secure storage requirements as established by federal law and DEA regulations. Also, there are detailed requirements for documenting the disposition of the entire supply. Drugs dispensed must be documented not only in the patient chart, but there must be a detailed inventory and record of drugs dispensed that is specific to the supply of drugs. Another responsibility is proper disposal of any unused drugs, which must be documented.



The DEA receives reports of drugs shipped to licensees and performs inspections of those practices to ensure that recordkeeping requirements are followed. More often than not, the requirements are not met and the Board learns of the problem because the DEA notifies state licensing authorities of such issues.



Another recordkeeping challenge that comes with dispensing controlled substances from your office is that you must report drugs dispensed to the Vermont Prescription Monitoring System. There was a change to the law in 2013 that made all dispensers subject to the requirement to make regular reports of drugs dispensed. Failure to comply with that reporting requirement would constitute violation of a statute relating to the practice of medicine and subject the licensee to a potential allegation of unprofessional conduct.

Several licensees have made the mistake of direct ordering controlled substances for their own use, or the use of a family member, which puts the licensee at great risk of violating the law. It may constitute either violation of the rule against self-prescribing and prescribing for family members, or it may be unauthorized dispensing even if done pursuant to a proper prescription from another health care professional.



Rule 4.3 of the Board Rules explicitly prohibits self-prescribing controlled substances and prescribing controlled substances to one's family members. "Family member" is defined broadly, and includes spouse, parent, grandparent, children, grandchildren, sibling, parent-in-law, son/daughter-in-law, brother/sister-in-law, step-parent, step-children, step-sibling, and anyone who resides in the same residence as the licensee. It is clear that you cannot prescribe controlled substances to yourself or to family members. In addition to being a clear violation of rules, it is inappropriate conduct under Opinion 8.19 of the AMA Code of Ethics. The AMA guideline discourages all treatment of family members. It further declares prescribing for one's self and one's family members as inappropriate.



The Board has encountered instances in which a licensee believes that it is acceptable to "dispense" for personal use or use by a family member if there is a valid prescription from an authorized provider. You cannot "dispense" to yourself even if you have a prescription from your personal physician. You cannot "dispense" to your family members even if they have prescriptions from their physicians. The laws that authorize health care professionals to dispense controlled substances in their practice would not allow for "dispensing" based on another provider's prescription. A health care professional may dispense "in the course of his or her professional practice only." [18 V.S.A. § 4214\(a\)](#). Regardless of whether there is a prescription, dispensing for oneself or a family member is not authorized because it is not in the course of professional practice. Filling a personal prescription, or a prescription for a family member, is a personal matter and not in the course of professional practice.



Any health care professional who chooses to take on all the obligations that come with dispensing drugs, especially controlled substances, should do so only after fully exploring all the requirements that he or she will face. The licensee who direct-orders drugs must be fully prepared to follow the many rules and requirements that come with office-based dispensing, and any controlled substances that are ordered must never be for use by the licensee or a family member.

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