



## **DEA Registration: How It Applies to California Veterinarians**

*by Grant Miller, DVM, CVMA Director of Regulatory Affairs*

Frequently, veterinary practices will use one Federal Drug Enforcement Administration (DEA) registration number to order controlled substances for all veterinarians in the practice. In this case, the DEA registrant must comply with state and federal controlled substance laws and also ensure that anyone using controlled substances ordered under his or her DEA number is also compliant. The registrant is also responsible for tracking all controlled substances administered or dispensed, as well as monitoring that controlled substances are stored in a secured, locked cabinet.

The tracking inventory shall include [per 21 CFR §1304.11(e)(1)(iii)]:

- The name of the substances
- The strength (e.g., 10 mg tab or 10 mg/ml)
- The number of units or volume of each finished form (e.g., 100 tablet bottles or 3-ml vials)
- The number of commercial containers of each finished form (e.g., pack of four 100-tablet bottles, or pack of six 3-ml vials)

Schedule II controlled substances must be logged on a separate sheet, while schedules III-V may be logged together.

Sample controlled substance logs (2) are available on the VMB website:

[http://www.vmb.ca.gov/laws\\_regs/drug\\_inv.pdf](http://www.vmb.ca.gov/laws_regs/drug_inv.pdf)

[http://www.vmb.ca.gov/laws\\_regs/drug\\_log.pdf](http://www.vmb.ca.gov/laws_regs/drug_log.pdf)

### **Multiple Practice Locations**

If a veterinary practice has multiple locations, DEA regulations stipulate that a separate registration number is required for each location where controlled substances are shipped to, stored at, and dispensed from, according to 21 CFR 1301.12(a). This is the same for veterinarians ordering controlled substances for a shelter, wildlife rehabilitation facility, or animal control agency. In addition, controlled substances cannot be transferred from location to location within the same practice or between facilities without an invoice form (DEA Form 222) to document the transfer of the substance between them. Controlled substances may also be transferred between DEA registrants through use of the DEA Form 222.

## **Administering and Dispensing vs. Prescribing Controlled Substances**

- 1) “We just have one DEA number for our hospital and all the doctors share it”.

According to the Code of Federal Regulations, Section 1301.22(b), use of one DEA number by all practice veterinarians is permitted for administering and dispensing controlled substances, but not for prescribing them.

In veterinary practices, drugs (including controlled substances) are administered when used “in house” from the hospital stock for procedures and treatments performed on a patient. Drugs are dispensed when a veterinarian sends a client home with a supply to use from the hospital stock. Drugs are prescribed when a veterinarian gives a written authorization to a client to be filled at a pharmacy, or when a veterinarian provides oral instructions pharmacy on a patient’s behalf. It is unlawful for one veterinarian to use another veterinarian’s DEA number or controlled substance prescription pad when prescribing. Controlled drug prescriptions must be completed according to specific regulations. To view them, visit: <http://oag.ca.gov/sites/all/files/agweb/pdfs/security-printers/hsc11162-1.pdf>.

According to California law, clients have the right to a written prescription in lieu of dispensed medication. Specifically, the California Business and Professions code, section 4170(a)(6-7) states: “No prescriber shall dispense drugs or dangerous devices to patients in his or her office or place of practice unless the prescriber, prior to dispensing, offers to give a written prescription to the patient that the patient may elect to have filled by the prescriber or by any pharmacy and the prescriber provides the patient with written disclosure that the patient has a choice between obtaining the prescription from the dispensing prescriber, or obtaining the prescription at a pharmacy of the patient's choice.”

The California Code of Regulations, Title 16, [Section 2032.1](#) - Veterinarian-Client-Patient Relationship (VCPR) states that it shall constitute unprofessional conduct for a veterinarian to, among other things, prescribe a drug to a patient without first examining the patient and communicating to the client a course of treatment appropriate to the circumstance. In applying this law to veterinary practices where only one doctor has a DEA registration number: the DEA registrant cannot write prescriptions for patients without a VCPR. If the VCPR is established by another doctor, it is incumbent upon that doctor to be able to provide a prescription, and hence have his or her own DEA registration number.

### **Summary**

When both the federal and state laws are considered together, a federal DEA registration is not required for a veterinarian when he or she only administers and dispenses controlled substances as an agent of a DEA registrant. But if a veterinarian prescribes a controlled substance to a client, then a separate, individual DEA number is required. Because clients have a legal right to obtain a written prescription in lieu of

dispensed medication, practitioners who dispense controlled substances to patients must also have the ability to prescribe them, and hence, have their own DEA registration number. Current law states that only the veterinarian who has established a Veterinarian-Client-Patient relationship can prescribe for that patient.

Additional information can be found at the Drug Enforcement Administration website, <http://www.deadiversion.usdoj.gov/faq/prescriptions.htm> and the California Veterinary Medical Board website, <http://www.vmb.ca.gov/licensees/index.shtml>.