or previously dependent on narcotic
drugs), shall sign for the narcotics and
place his specific title (if any) on any
invoice. Copies of these signed invoices
shall be kept by the distributor.

(i) Narcotics dispensed or adminis-
tered at a narcotic treatment program
will be dispensed or administered di-
rectly to the patient by either (1) the
licensed practitioner, (2) a registered
nurse under the direction of the li-
censed practitioner, (3) a licensed prac-
tical nurse under the direction of the li-
censed practitioner, or (4) a phar-
macist under the direction of the li-
censed practitioner.

(j) Persons enrolled in a narcotic
treatment program will be required to
wait in an area physically separated
from the narcotic storage and dis-
pensing area. This requirement will be
enforced by the program physician and
employees.

(k) All narcotic treatment programs
must comply with standards estab-
lished by the Secretary of Health and
Human Services (after consultation
with the Administration) respecting
the quantities of narcotic drugs which
may be provided to persons enrolled in
a narcotic treatment program for unsu-
pervised use.

(l) DEA may exercise discretion re-
garding the degree of security required
in narcotic treatment programs based
on such factors as the location of a pro-
gram, the number of patients enrolled
in a program and the number of physi-
cians, staff members and security
guards. Similarly, such factors will be
taken into consideration when evalu-
ating existing security or requiring
new security at a narcotic treatment
program.

[39 FR 3674, Jan. 29, 1974, as amended at 39
FR 17338, May 21, 1974; 54 FR 33674, Aug. 16,

§ 1301.76 Other security controls for
practitioners.

(a) The registrant shall not employ,
as an agent or employee who has access
to controlled substances, any person
who has been convicted of a felony of-
fense relating to controlled substances
or who, at any time, had an application
for registration with the DEA denied,
had a DEA registration revoked or has
surrendered a DEA registration for
cause. For purposes of this subsection,
the term “for cause” means a sur-
rrender in lieu of, or as a consequence
of, any federal or state administrative,
civil or criminal action resulting from
an investigation of the individual’s
handling of controlled substances.

(b) The registrant shall notify the
Field Division Office of the Adminis-
tration in his area, in writing, of the
theft or significant loss of any con-
trolled substances within one business
day of discovery of such loss or theft.
The registrant shall also complete, and
submit to the Field Division Office in
his area, DEA Form 106 regarding the
loss or theft. When determining wheth-
er a loss is significant, a registrant
should consider, among others, the fol-
lowing factors:

1. The actual quantity of controlled
substances lost in relation to the type
of business;

2. The specific controlled substances
lost;
(3) Whether the loss of the controlled substances can be associated with access to those controlled substances by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the controlled substances;

(4) A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses; and, if known,

(5) Whether the specific controlled substances are likely candidates for diversion;

(6) Local trends and other indicators of the diversion potential of the missing controlled substance.

(c) Whenever the registrant distributes a controlled substance (without being registered as a distributor, as permitted in §1301.13(e)(1) and/or §§1307.11–1307.12) he/she shall comply with the requirements imposed on non-practitioners in §1301.74 (a), (b), and (e).

(d) Central fill pharmacies must comply with §1301.74(e) when selecting private, common or contract carriers to transport filled prescriptions to a retail pharmacy for delivery to the ultimate user. When central fill pharmacies contract with private, common or contract carriers to transport filled prescriptions to a retail pharmacy, the central fill pharmacy is responsible for reporting in-transit losses upon discovery of such loss by use of a DEA Form 106. Retail pharmacies must comply with §1301.74(e) when selecting private, common or contract carriers to retrieve filled prescriptions from a central fill pharmacy. When retail pharmacies contract with private, common or contract carriers to retrieve filled prescriptions from a central fill pharmacy, the retail pharmacy is responsible for reporting in-transit losses upon discovery of such loss by use of a DEA Form 106.

§ 1301.77 Security controls for freight forwarding facilities.

(a) All Schedule II–V controlled substances that will be temporarily stored at the freight forwarding facility must be either:

(1) stored in a segregated area under constant observation by designated responsible individual(s); or

(2) stored in a secured area that meets the requirements of Section 1301.72(b) of this Part. For purposes of this requirement, a facility that may be locked down (i.e., secured against physical entry in a manner consistent with requirements of Section 1301.72(b)(3)(ii) of this part) and has a monitored alarm system or is subject to continuous monitoring by security personnel will be deemed to meet the requirements of Section 1301.72(b)(3) of this Part.

(b) Access to controlled substances must be kept to an absolute minimum number of specifically authorized individuals. Non-authorized individuals may not be present in or pass through controlled substances storage areas without adequate observation provided by an individual authorized in writing by the registrant.

(c) Controlled substances being transferred through a freight forwarding facility must be packed in sealed, unmarked shipping containers.

§ 1301.90 Employee screening procedures.

It is the position of DEA that the obtaining of certain information by non-practitioners is vital to fairly assess the likelihood of an employee committing a drug security breach. The need to know this information is a matter of business necessity, essential to overall controlled substances security. In this regard, it is believed that conviction of crimes and unauthorized use of controlled substances are activities that are proper subjects for inquiry. It is, therefore, assumed that the following questions will become a part of an employer’s comprehensive employee screening program: