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MEMORANDUM

To: All EMS Services
All EMS Medical Control Physicians

From: Joe Fanning, Director, Division of EMS - DHEC *Joe W. Fanning*
Wilbur Harling, Director, Bureau of Drug Control - DHEC *Wilbur Harling*
E. G. DesChamps, III, M. D., State Medical Director, Division of EMS - DHEC *E. G. DesChamps*

SUBJECT: Physician Registration for Controlled Substances in the EMS Setting.

Recently several questions have arisen concerning the exact requirements for physician registration in EMS activities where controlled substances (CII or CIV) are utilized. These issues were discussed at the Division of EMS' Medical Control Committee with representatives from the Bureau of Drug Control. The following questions and answers are provided for your information.

- 1] If the Medical Control Physician does not allow the EMS Service to utilize ANY Controlled (CII or CIV) agents (But other pre-hospital drugs which are non-scheduled i.e. Lidocaine, Epinephrine, Adenosine, etc. are routinely utilized);
- A] Are any registrations required AT ALL in this instance?
 - B] Are registrations/permits PERSONAL to the Medical Control Physician or INSTITUTIONAL to the EMS Service - or BOTH?

ANSWER:

- A] If the Medical Control Physician does not authorize the service to utilize ANY Controlled substances (CII or CIV - all Controlled drugs approved for EMS are either Schedule CII or Schedule CIV) then no specific registrations are required - other than for the physician's personal South Carolina license and registration.
- B] Registrations - both State and Federal - for the utilization of controlled substances by an EMS Service are PERSONAL to the Medical Control Physician. The ultimate responsibility and liability for the controlled substances is the Medical Control Physician's.

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- 2] Physician A is Medical Control Physician for EMS Service. This EMS service utilizes medications which are controlled (CII or CIV). Appropriate registrations are in effect. Physician A retires or suddenly resigns and is replaced by Physician B.
- A] Do registrations have to be re-applied for, changed, or simply transferred?
 - B] If registrations must be re-applied for, is service able to utilize any of the scheduled agents during the interim period? (Given that Physician B immediately replaces Physician A as Medical Control and "routine paperwork processing" requires days/weeks will the service be without access to any of the controlled substances during this time?)

ANSWER:

- A] All registrations - both State and Federal - must be re-applied for. The registrations are PERSONAL to the Medical Control Physician. If Physician A is no longer associated with the EMS Service then his Controlled Substances Registrations for that service are no longer valid.** (**See Below for exception.) It is the Physician's responsibility to notify the Bureau of Drug Control when he terminates his association with the EMS Service so that his Registrations for that service may also be terminated.
 - B] The only exception to the rule above is that if Physician A will sign a "Power of Attorney" form for Physician B then the Service may continue to utilize the Controlled Substances previously acquired and on hand under Physician A's Registration until the new Registrations can be issued.
- 3] The EMS Service maintains replacement stock of scheduled agents at base station.
- A] Are additional registrations required - e.g. "Drug Outlet Permit", etc.?
 - B] What are the Medical Control Physician's responsibilities/obligations/liabilities in reference to record keeping, inventory, inspection?
What activities may be deferred to the EMS Services' Administrative Director or similar agent?
 - C] Are "Power of Attorney" documents required since Medical Control Physician is authorizing "other agents" (i.e. the EMT-A's) to dispense the controlled substances?

ANSWER:

- A] No further registrations are required. The Medical Control Physician must maintain his/her personal State and Federal Registrations (for his/her private practice or clinic practice) and maintain another set of State and Federal Registrations for his/her activities with the EMS Service.
- B] As the Controlled Substances Registrations are PERSONAL to the Medical Control Physician, he/she has the ultimate responsibility AND liability for the secure storage of, proper dispensation of, and appropriate record maintenance for any controlled

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substances (CII - CIV) utilized by the EMS Service. The appropriate officer for the EMS Service may sign the routine inventory records of the Service's Controlled Substances - this however, in no way absolves the Medical Control Physician from responsibility and liability for ensuring that the inventories are correct.

- C] Power of Attorney forms are not required for appropriately certified and licensed personnel (EMT-A's) acting under authority of the Service's Medical Control Physician to possess (on the Service's vehicles and in jump boxes from the vehicles) and administer Controlled Substances.

Power of Attorney forms would be required as outlined in Question #2B above. These forms may be obtained by contacting the Bureau of Drug Control DHEC.

- 4] The EMS Service replenishes drugs (including controlled substances) through "swap-out" program with local hospital.
A] Is this acceptable?
B] Are any special records / registrations / permits required by service?

ANSWER:

- A] Yes this is acceptable. Both EMS Service and the Hospital Pharmacy which dispenses the controlled substances via the "swap-out" program must maintain appropriate records detailing the dispensing and receipt of the agents.
B] No special forms are required for this type of "swap-out" program. The standard forms indicating: Substance, Amount, Date, Time, In/Out, and Signature of Recipient and Supplier are adequate for this.

- 5] What is appropriate procedure for destruction of controlled substances
A] That exceed the expiration date
B] That are left over following use on a mission (e.g. partial vial of morphine).

ANSWER:

- A] Quantities of Controlled Substances which are expired should be disposed of by a Bureau of Drug Control Inspector. The Regional Inspector may be contacted through DHEC's Bureau of Drug Control at: 935-7817.
B] Small amounts of individual agents which are left over following a mission should be destroyed in the presence of at least one other licensed person who can sign the attestation to the destruction. The usual route of destruction in the instance cited above would be flushing the remaining aliquot down a drain.

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- 5] A Medical Control Physician serves as Medical Control for four EMS Services within his county. Each service is authorized to utilize controlled substances (CII - CV). Are separate State and Federal DEA Registrations required for EACH INDIVIDUAL service that the physician oversees?

ANSWER:

YES**.

The Medical Control Physician must obtain and maintain separate, PERSONAL State and Federal Controlled Substances Registrations for each individual service he/she oversees that are authorized to utilize Controlled Substances.

**The only exception to the above requirement is in the event that some of the services are licensed as "County" Services. Provided these services come under the jurisdiction of a County EMS Administrator/Director, then the Medical Control Physician may obtain only ONE State and Federal Registration for ALL of the services that are designated as County Services.

In the above cited example, if two services are "County" services and the other two services are individual private or "Non-County" services, the Medical Control Physician would be required to maintain the following:

- 1 Private (Clinic) Practice State and Federal Registrations
- 1 State and Federal Registration for the TWO County Services
- 2 State and Federal Registrations (i.e. one each) for the TWO "Non-County" Services.

A TOTAL of FOUR (4) State and Federal Controlled Substances Registrations would be required.

Any other questions concerning the utilization of Controlled Substances may be forwarded to the Division of EMS - DHEC.

Federal and State Registration forms may be obtained from the Bureau of Drug Control - DHEC.

Power of Attorney Forms may be obtained from the Bureau of Drug Control - DHEC.

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