



State Laws / Regulations Requiring Hospitals, Nursing Homes and Pharmacies to Report the Theft or Loss of Controlled Substances

Research current through April 4, 2016

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This document contains a chart of state statutes and regulations that address the reporting of a loss or theft of controlled substances by hospitals, nursing homes and pharmacies. Although there are some exceptions, most states do not have hospital or nursing home-specific laws and regulations. Instead, the majority of the listed citations are regulations promulgated by state boards of pharmacy or issued to all DEA controlled substance registrants. This chart does not contain laws or regulations that do not apply to hospitals, nursing homes or pharmacies, such as those promulgated by state dentistry boards or specific to addiction treatment centers.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Alabama	Ala. Admin. Code r. 420-5-7-.16 Pharmaceutical Services (Hospitals)	(i) Abuses and losses of controlled substances shall be reported, in accordance with applicable Federal and State laws, to the individual responsible for the pharmaceutical service, and to the chief executive officer, as appropriate.
Alabama	Ala. Admin. Code r. 680-X-3-.07. Report of Theft or Loss of Controlled Substances (Board of Pharmacy)	(1) A pharmacy shall notify the Field Division Office of DEA and the Alabama State Board of Pharmacy of the theft or significant loss of any controlled substances upon discovery of such loss or theft. The pharmacy shall also complete DEA form, "Report of Theft or Loss of Controlled Substances," which may be obtained from the Board of Pharmacy or DEA office. (2) Four copies must be made of the report. The pharmacy shall keep a duplicate copy for its records, forward two copies, the original and duplicate copy, to the Field Division Office of DEA, and provide one duplicate copy to the Alabama State Board of Pharmacy.
Alaska	12 AAC 52.540. Notification of Theft or Significant Loss (Board of Pharmacy)	If a pharmacy is required under 21 U.S.C. 801 - 904 (Controlled Substances Act) to complete DEA Form 106, "Report of Theft or Loss of Controlled Substances," the pharmacist-in-charge shall also send a copy of the completed form to the board.
Arizona	A.A.C. R4-16-304. Recordkeeping and Reporting Shortages (Medical Board)	C. A physician who discovers a theft or loss of a controlled substance or a dangerous drug, as defined in A.R.S. § 13-3401, from the physician's office shall: 1. Immediately notify the local law enforcement agency, 2. Provide that agency with a written report, and 3. Send a copy to the Drug Enforcement Administration and the Board within seven days of the discovery.

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Arizona	A.A.C. R4-23-1003. Records and Order Forms (Board of Pharmacy)	2. A loss of a controlled substance shall be reported: a. Within 10 days of discovery; b. On a DEA form 106; c. By the pharmacist-in-charge of a pharmacy or a manufacturer; d. By the permittee or designated representative of a full-service wholesaler; and e. To the federal Drug Enforcement Administration (DEA), the Narcotic Division of the Department of Public Safety (DPS), and the Board of Pharmacy. A copy of the DEA form 106 shall be kept on file by the pharmacy permittee. The DEA form 106 shall state whether the police investigated the loss.
Arkansas	Ark. Admin. Code 007.07.2-II-IV Procedure in Case of Loss (Pharmacy Services)	A. Each practitioner that discovers any suspected loss, theft and/or diversion of any controlled substance shall immediately notify by phone or fax Pharmacy Services and Drug Control of the Arkansas Department of Health and the Arkansas State Board of Pharmacy. The nearest Drug Enforcement Administration (D.E.A.) Diversion Field Office must be notified in writing within one business day of the discovery of any suspected loss, theft or diversion. In addition, practitioners shall file theft and loss reports D.E.A. Form 106 with Pharmacy Services and Drug Control of the Arkansas Department of Health, D.E.A., and the Arkansas State Board of Pharmacy within seven (7) days of the occurrence of said loss or the discovery of said loss. B. Long-term care facilities (L.T.C.F.) that discover any suspected loss, theft and/or diversion of any controlled substance shall immediately notify Pharmacy Services and Drug Control of the Arkansas Department of Health by phone or fax. In addition, L.T.C.F.s shall file Arkansas Department of Health theft and loss report form PHA-21 with Pharmacy Services and Drug Control of the Arkansas Department of Health.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Arkansas	Ark. Admin. Code 007.28.1-XIV Drugs and Pharmaceuticals (Emergency Medical Services and Trauma Systems)	D. PROCEDURE IN CASE OF LOSS OF CONTROLLED SUBSTANCES 1. Each Licensed Ambulance Service or Medical Director shall notify the Office of Pharmacy Services and Drug Control, Arkansas Department of Health immediately upon discovery of any suspected loss, theft and/or other diversion of any controlled substance under their supervision. Additionally, 21 CFR Part 1301.74 (c) requires notification of the Field Division Office of the Drug Enforcement Administration (DEA) in writing within one business day of discovery of the theft or loss. 2. The original and one copy of the DEA Form 106 shall be sent to the DEA Resident Office and one copy shall be sent to the Pharmacy Services and Drug Control within seven days.
Arkansas	Ark. Admin. Code 016.06.15-500 Patient Care Services (Office of Long Term Care – Nursing Homes)	551 CONTROLLED DRUG ACCOUNTABILITY When loss, suspected theft, or an error in the administration of controlled drugs occurs, it must be reported to the Director of Nursing Services and an incident report filled out; also, a copy of the form for reporting theft or lost controlled substances should be mailed to the Arkansas Department of Health, Division of Drug Control.
Arkansas	Ark. Admin. Code 070.00.7-07-04-0005 Theft or Loss of Controlled Drugs (Board of Pharmacy)	In the event a holder of a pharmacy permit issued by the Arkansas State Board of Pharmacy under ACA § 17-92-405 and Board Regulation 04-05-0001 has suffered a theft or loss of controlled substances. Said permit holder shall: i. Notify Arkansas Department of Health Division of Pharmacy Services and Drug Control, the nearest Drug Enforcement Administration Diversion Field Office, and the Arkansas State Board of Pharmacy immediately upon discovery by phone or fax, and ii. Deliver a completed DEA Form-106 to each of the agencies listed in (a) within 7 days of the occurrence of said loss or the discovery of said loss.
California	16 CCR § 1715.6 Reporting Drug Loss (Board of Pharmacy)	The owner shall report to the Board within thirty (30) days of discovery of any loss of the controlled substances, including their amounts and strengths.

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Colorado	C.R.S.A. § 12-42.5-131 Records (Pharmacists, Pharmacy Business, and Pharmaceuticals)	(6) A person required to maintain records pursuant to this section shall keep a record of any controlled substance lost, destroyed, or stolen, the kind and quantity of the controlled substance, and the date of the loss, destruction, or theft. (7) Prescription drug outlets shall report thefts of controlled substances to the proper law enforcement agencies and to the board within thirty days after the occurrence of the thefts.
Colorado	C.R.S.A. § 27-80-210 Records to be Kept--Order Forms (CO Controlled Substances Act)	(4) A person required to maintain records pursuant to this section shall keep a record of any controlled substance lost, destroyed, or stolen, the kind and quantity of the controlled substance, and the date of the loss, destruction, or theft.
Colorado	3 CCR 719-1:11.00.00 Records and Recordkeeping (Board of Pharmacy)	For all Registered Prescription Drug Outlets: a. The following records shall be maintained on the premises of the prescription drug outlet at all times, unless written authorization for off-site storage has been approved by the Board, and shall be made available for inspection by the Board or its inspectors immediately upon request: * * * (4) All records of dispensing, receipts (invoices for drugs received and credited) of controlled substances, distribution, loss, surrender or disposal in manner of prescription drugs and controlled substances during the two years preceding the request;
Colorado	3 CCR 719-1:15.00.00 Wholesalers (Board of Pharmacy)	15.05.13 Any theft, suspicious loss, or recurring loss of prescription drugs or any loss of controlled substances shall be reported to the Board within thirty calendar days of the loss, along with a description of the loss, cause of the loss and any other appropriate information. Any loss of controlled substances shall also be reported to the appropriate law enforcement agency.

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Connecticut	C.G.S.A. § 21a-262 Commissioner's Authority and Duties re Controlled Substances. When Seizing Authority May Destroy. Disposal by Long-Term Care Facilities and Outpatient Surgical Facilities (Department of Consumer Protection)	Any loss, destruction or theft of controlled substances shall be reported by a registrant within seventy-two hours to the Commissioner of Consumer Protection as follows: (1) Where, through breakage of the container or other accident, otherwise than in transit, controlled substances are lost or destroyed, the person having title thereto shall make a signed statement as to the kinds and quantities of controlled substances lost or destroyed and the circumstances involved, and immediately forward the statement to the Commissioner of Consumer Protection. A copy of such statement shall be retained by the registrant; (2) where controlled substances are lost by theft, or otherwise lost or destroyed in transit, the consignee shall, immediately upon ascertainment of the occurrence, file with the Commissioner of Consumer Protection a signed statement of the facts, including a list of the controlled substances stolen, lost or destroyed and documentary evidence that the local authorities were notified. A copy of the statement shall be retained by the registrant.
Connecticut	Regs. Conn. State Agencies § 21a-262-2 Security Requirements (Department of Consumer Protection)	(f) If any case where a loss, theft, burglary, or diversion of controlled substances has occurred, the Commissioner of Consumer Protection may require additional security safeguards which may include storage of any controlled substance(s) in an approved vault, approved safe, separate locked caged area, locked room or enclosure, or a substantially constructed locked steel or wood cabinet, or under effective electrical protection within 90 days of any such occurrence. In the case of hospitals, 180 days shall be allowed for this purpose.

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Connecticut	Regs. Conn. State Agencies § 21a-262-3 Disposition of Drugs (Department of Consumer Protection)	(b) Reporting of loss, theft, or unauthorized destruction of controlled substances. Any loss, theft, or unauthorized destruction of any controlled substance(s) must be reported by a registrant within 72 hours of discovery of any such occurrence to the Commissioner of Consumer Protection as follows: (1) Where through breakage of the container or other accident, otherwise than in transit, controlled substance(s) are lost or destroyed, the registrant shall make a signed statement as to the kinds and quantities of controlled substance(s) lost or destroyed and the circumstances involved. The statement shall be forwarded to the Commissioner of Consumer Protection and a copy retained by the registrant. (2) Where controlled substance(s) are lost by theft or otherwise lost or destroyed in transit, the consignee, and the consignor if within this state, shall forward to the Commissioner of Consumer Protection a signed statement which details the facts, includes an accurate listing of the controlled substance(s) stolen, lost, or destroyed and specifies that the local authorities were notified. A copy of the statement shall be retained by the registrant.
Connecticut	Regs. Conn. State Agencies § 21a-262-5 Licensed Pharmacies (Department of Consumer Protection)	(c) In every case where loss, theft, burglary, or diversion of any controlled substance in any schedule has occurred from a licensed pharmacy, the Commissioner of Consumer Protection shall determine the appropriate storage and security requirements for all controlled substances in such pharmacy, and shall require additional safeguards to ensure the security of the controlled substances.
Delaware	16 Del. Admin. Code 3201-6.0 Services to Residents (Skilled and Intermediate Care Nursing Facilities)	6.8.1.14 The administrator or designee shall notify the Office of Controlled Substances in the Division of Professional Regulation and the Division of Long Term Care Residents Protection of any unexplained loss of controlled substances, syringes, needles, or prescription pads within 8 hours of discovery of such loss or theft.

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Delaware	16 Del. Admin. Code 4409-11.0 Medications (Prescribed Pediatric Extended Care Centers)	11.7 Administrator/director shall notify the office of Narcotics and Dangerous Drugs, Division of Public Health, of any theft or unexplained loss of any controlled substances, syringes, or needles or prescription pads within 48 hours of discovery of such loss or theft.
Delaware	24 Del. Admin. Code CSA 7.0 Security, Disposal and Loss or Theft (DE Controlled Substances Act)	7.3.1 Registrants shall notify the Office of Controlled Substances of any theft or significant loss of any controlled substances, or of any prescription blanks, upon the discovery of such loss or theft. 7.3.2 Registrants shall complete the Federal forms regarding loss or theft of controlled substances. A copy must be filed with the Office of Controlled Substances.
District of Columbia	29 DCMR § 506 Emergency Medical Services Agencies: Storage of Linens, Equipment and Supplies (Emergency Medical Services)	506.7 An Emergency Medical Services Agency, in addition to other applicable regulatory reporting requirements, shall notify the Director in writing of any diversion, loss, theft, or tampering with any controlled substance, medication delivery system, or other regulated medical device from the agency's facility or vehicle. Notification shall be made no later than seventy-two (72) hours after the discovery of the occurrence.
Florida	F.S.A. § 893.07 Records (Persons engaged in the manufacture, compounding, mixing, cultivating, growing, or by any other process producing or preparing, or in the dispensing, importation, or, as a wholesaler, distribution of controlled substances)	(5) Each person described in subsection (1) shall: (a) Maintain a record which shall contain a detailed list of controlled substances lost, destroyed, or stolen, if any; the kind and quantity of such controlled substances; and the date of the discovering of such loss, destruction, or theft. (b) In the event of the discovery of the theft or significant loss of controlled substances, report such theft or significant loss to the sheriff of that county within 24 hours after discovery. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(3), (4), or (5) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(2) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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Georgia	Ga Comp. R. & Regs. 111-8-40-.22 Pharmaceutical Services (Hospitals)	2. Loss and theft of controlled substances shall be reported to the pharmacy director, to the hospital administration, and to others as required by applicable laws and regulations.
Georgia	Ga Comp. R. & Regs. 480-16-.06 Theft, Loss, or Unaccounted for Controlled Substances (Board of Pharmacy – Miscellaneous Guidelines for Pharmacists)	(1) The theft, loss, or unaccounted for controlled substances must, within three (3) days of its discovery, must be reported to the Drug Enforcement Administration and the GDNA. (2) A written report must be made regarding any theft, loss or unaccounted for controlled substances by completing a DEA Form 106. (a) Within ten (10) days of receiving such DEA Form 106, the original and one copy of the report must be sent to the Drug Enforcement Administration; and (b) One copy must be sent to the GDNA. (3) The report shall include the following information: (a) Full name and address of the pharmacy; (b) Pharmacy DEA registration number; (c) Date of theft, loss, or discovery of missing controlled substance; (d) Type of incident, i.e. theft, loss, etc.; (e) List of cost codes, or identification symbols on package stolen; and (f) List of the controlled substances missing.
Georgia	Ga Comp. R. & Regs. 480-28-.10 Loss or Theft of Controlled Substances (Board of Pharmacy – Practitioner Dispensing of Drugs)	(1) A loss or theft of any controlled substance drugs must, within 48 hours of discovery, be reported to the Board, Drug Enforcement Administration and the GDNA. A written report on DEA Form 106 must be made regarding any theft or loss of any controlled substances. The original and one copy of the report must be sent to the Board, Drug Enforcement Administration and one copy must be sent to the GDNA (40 Pryor Street, #2000, Atlanta, GA 30303) within ten (10) days of the initial receipt of DEA Form 106. The report shall include the following information: (a) Full name and address of practitioner; (b) The practitioner's DEA registration number; (c) The date of theft; (d) The type of theft; (e) A list of cost codes, or identification symbols on package(s) stolen; and (f) A list of controlled substances missing.

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Hawaii	HRS § 329-66 Theft, Loss, and Discrepancy Reports (HI Controlled Substances Act)	(a) The theft or loss of any substance regulated pursuant to section 329-61 discovered by any person regulated by this part shall be reported to the department of public safety within three days of the receipt of actual knowledge of the discrepancy. (b) Any report made pursuant to this section shall also include the name of the common carrier or person who transports the substance and date of shipment of the substance.
Hawaii	Haw. Admin. Rules (HAR) § 23-200-12 Records of Controlled Substances (Department of Public Safety)	(f) The theft or loss of any controlled substance regulated by this chapter discovered by any person regulated by this part shall be reported to the department within 24 hours of the receipt of actual knowledge of the discrepancy. The registrant shall within three calendar days submit a written report of the theft or loss to the department.
Idaho	IDAPA 27.01.01.206 Controlled Substances: Inventories (Board of Pharmacy)	04. Inventory After Discovery of Theft or Loss. A complete controlled substance inventory must be conducted within forty-eight (48) hours of the discovery of a theft or reportable loss of a controlled substance. (3-21-12)
Idaho	IDAPA 27.01.01.208 Controlled Substances – Theft or Loss Reporting (Board of Pharmacy)	A registrant must report to the Board on the same day reported to the DEA a theft or loss of a controlled substance that includes the information required by federal law. (3-21-12)
Illinois	68 Ill. Adm. Code 1330.710 Reporting Theft or Loss of Controlled Substances (Pharmacy Operations)	In every instance that a pharmacy is required by federal regulation (21 CFR 1301.76; 2014) to file with the U.S. Drug Enforcement Agency a Report of Theft or Loss of Controlled Substances (Form 106), a copy shall concurrently be sent to the Division, Attention of the Drug Compliance Unit, along with the printed name of the person who signed the form. Failure to do so may result in discipline of the pharmacy or the pharmacist-in-charge.

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Illinois	77 Ill. Adm. Code 3100.360 Record and Inventorying Requirements Generally (IL Controlled Substances Act)	d) After a loss or theft of controlled substances, a licensee shall conduct an approximate count inventory with a start date of the last inventory for the controlled substance that was either lost or stolen. e) In every instance that a licensee is required by 21 CFR 1301.76 (April 1, 2014) to file with the DEA a Report of Theft or Loss of Controlled Substances (Form 106), a copy shall be sent to the Division within one business day after submission to the DEA, along with the printed name of the person who signed the form. Failure to do so may result in discipline of the licensee. This information should be sent to the Drug Compliance Unit of the Division.
Indiana	410 IAC 15-1.2-1 Compliance with Rules (Hospital)	(d) The hospital shall have a plan to address the internal review and reporting of unusual occurrences and disasters. This plan shall cover, but not be limited to, the following: * * * (3) Unexplained loss of or theft of a controlled substance.
Indiana	10 IAC 15-1.5-7 Pharmaceutical Services (Hospital pharmaceutical services)	(d) Written policies and procedures shall be developed and implemented that include the following: * * * (2) Ensure the monthly inspection of all areas where drugs and biologicals are stored and which address, but are not limited to, the following * * * (D) Documentation and accountability for an accurate accounting of controlled substances from the time of receipt in the institution through the administration to the patient or subsequent removal from general stock and reporting of all abuses and losses of controlled substances.
Indiana	856 IAC 2-3-33 Additional Security Controls for Nonpractitioners (Board of Pharmacy)	(c) The registrant shall notify in writing the Indiana Board of Pharmacy of any theft or significant loss of any controlled substances upon discovery of such theft or loss. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

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Indiana	856 IAC 2-3-35 Additional Security Controls for Practitioners (Board of Pharmacy)	(b) The registrant shall notify the Indiana Board of Pharmacy of the theft or significant loss of any controlled substances upon discovery of such loss or theft.
Iowa	I.C.A. § 124.306 Records of Registrants (Controlled Substances)	Every such record shall be kept for a period of two years from the date of the transaction recorded. Records of controlled substances lost, destroyed or stolen, shall contain a detailed list of the kind and quantity of such drugs and the date of the discovery of such loss, destruction, or theft.
Iowa	I.C.A. § 155A.19 Notifications to Board (Board of Pharmacy)	1. A pharmacy shall report in writing to the board, pursuant to its rules, the following: * * * g. Theft or significant loss of any controlled substance on discovery of the theft or loss.
Iowa	Iowa Admin. Code 657-10.16(124) Report of Theft or Loss (Pharmacy Board)	A registrant shall report to the board and the DEA any theft or significant loss of controlled substances when the loss is attributable to other than inadvertent error. Thefts or other losses of controlled substances shall be reported whether or not the controlled substances are subsequently recovered or the responsible parties are identified and action taken against them. 10.16(1) Immediate notice to board. If the theft was committed by a registrant or licensee of the board, or if there is reason to believe that the theft was committed by a registrant or licensee of the board, the registrant from whom the controlled substances were stolen shall notify the board immediately upon discovery of the theft and shall identify to the board the registrant or licensee suspected of the theft. 10.16(2) Immediate notice to DEA. A registrant shall deliver notice, immediately upon discovery of a reportable theft or loss of controlled substances, to the Des Moines DEA field office via telephone, facsimile, or a brief written message explaining the circumstances of the theft or loss. (Continued below)

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Iowa (continued)	Iowa Admin. Code 657-10.16(124) Report of Theft or Loss (Pharmacy Board)	10.16(3) Timely report submission. Within 14 calendar days of discovery of the theft or loss, a registrant shall submit directly to the DEA a Form 106 or alternate required form via the DEA Web site at http://www.deadiversion.usdoj.gov/ . A copy of the report that was completed and submitted to the DEA shall be immediately submitted to the board via facsimile, e-mail attachment, or personal or commercial delivery. 10.16(4) Record maintained. A copy of the report shall be maintained in the registrant's files for a minimum of two years following the date the report was completed.
Kansas	K.A.R. 28-34-135 Equipment; Supplies; Drugs and Medications (Hospitals)	(n) If a stock of controlled drugs is to be maintained at the facility, the applicant or licensee shall ensure that the facility is registered by the Kansas board of pharmacy. Each applicant and each licensee shall ensure the proper safeguarding and handling of controlled substances within the facility, and shall ensure that all possible control measures are observed and that any suspected diversion or mishandling of controlled substances is reported immediately.
Kentucky	KRS § 315.335 Reporting of Robbery, Theft, or Missing Shipment of Controlled Substances (Pharmacists and pharmacies)	(1) A pharmacy located in Kentucky which has a robbery or theft of a controlled substance shall immediately following the robbery or discovery of the theft report the incident to a law enforcement agency serving the geographic area in which the pharmacy is located. (2) A pharmacy which has mailed or shipped a controlled substance to a location in Kentucky and learns that the mailing or shipment did not arrive shall within three (3) business days report that nonreceipt to: (a) The Department of Kentucky State Police; and (b) If applicable, the United States Postal Inspection Service. (Continued below)

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Kentucky (continued)	KRS § 315.335 Reporting of Robbery, Theft, or Missing Shipment of Controlled Substances (Pharmacists and pharmacies)	(3) (a) The reports required pursuant to subsections (1) and (2) of this section shall contain at a minimum, if known and applicable: 1. The name, National Drug Code, and quantity of each controlled substance involved; 2. A description of the circumstances of the loss; 3. The names and contact information of any witnesses; and 4. The name and description of any person suspected of committing the offense or causing the loss. (b) The Board of Pharmacy may by administrative regulation authorize a pharmacy to submit a completed DEA 106 form or a successor form in lieu of the data elements required by this subsection.
Kentucky	902 Ky. Admin. Regs. 55:070 Storage of Controlled Substances in an Emergency Medication Kit in Certain Long-Term Care Facilities (Department for Public Health)	Section 1. Storage of Controlled Substances in an Emergency Medication Kit. A pharmacy provider may store controlled substances in an emergency medication kit in a residential hospice facility, nursing home, nursing facility, skilled nursing facility, intermediate care facility, or intermediate care facility for the mentally retarded if the following conditions are met: * * * (11) The loss of any controlled substance from the kit shall be reported to the Cabinet for Health and Family Services in accordance with KRS 218A.200(6) and to the Federal Drug Enforcement Administration in accordance with 21 C.F.R. 1301.74(c).
Louisiana	La. Admin Code. tit. 46, pt. XLV, § 6553 Theft or Unexplained Loss of Controlled Substances (Medical Professions)	A. Any theft or unexplained loss of controlled substances in the possession of a registrant shall be reported by the registrant to the board, in writing, within 10 days of the date of the registrant's discovery of such theft or loss, but in no event later than 10 days following the completion of the quarterly physical inventory next following such theft or loss. Such written report shall state the date or estimated date of such theft or loss, the generic chemical or trade name, amount or quantity, and dosage form and strength of any medications stolen or lost and a detailed description of the circumstances surrounding the theft or loss.

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Louisiana	La. Admin Code. tit. 46, pt. LIII, § 2717 Physical Security Controls for Practitioners and Pharmacies (Pharmacists)	F. The licensee shall notify the board and the Field Division Office of the DEA in his area, in writing, of the theft or significant loss of any controlled substances within one business day of discovery of such loss or theft. The licensee shall also complete, and submit to the board and the Field Division Office of the DEA in his area, DEA Form 106, or its electronic equivalent, regarding the loss or theft. When determining whether a loss is significant, a licensee should consider, among others, the following factors: <ol style="list-style-type: none"> 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.
Louisiana	La. Admin Code. tit. 48, pt. I, § 9353 Delivery of Services (Hospitals)	J. Abuses and losses of controlled substances shall be reported to the individual responsible for pharmaceutical services, the chief executive officer, the Louisiana Board of Pharmacy, and to the Regional Drug Enforcement Administration (DEA) office, as appropriate.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Maine	02-392 CMR Ch. 23, § 3 Reporting of Theft, Loss and Unresolved Inventory Discrepancies of Controlled Drugs (Board of Pharmacy)	<p>A pharmacist shall report any significant theft, loss or unresolved inventory discrepancy of controlled drugs to the board. The pharmacist shall make the report no later than 7 days after discovery of the theft, loss or inventory discrepancy. The report may be made via letter, facsimile transmission or email, must be signed by the pharmacist in charge or other pharmacist with knowledge of the situation, and must list the controlled drugs and quantities of same that were lost or stolen or cannot be accounted for. A pharmacist may satisfy the reporting obligation for controlled substances by filing Form 106 with the DEA and sending a copy to the board.</p> <p>When determining if a theft, loss or unresolved inventory discrepancy is “significant,” a pharmacist should consider, among others, the following factors:</p> <ol style="list-style-type: none"> 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; and 6. Local trends and other indicators of the diversion potential of the missing controlled substance.

State	Statute or Regulation (promulgating authority)	Text
Maryland	COMAR 10.19.03.12 Physical Security Controls for Registrants (Controlled dangerous substances)	(4) The registrant shall notify the regional office of the Drug Enforcement Administration, and the Department of Health and Mental Hygiene, Division of Drug Control, of the theft or significant loss of any controlled drug substances upon discovery of a loss or theft. The registrant shall also complete DEA form 106 regarding a loss or theft.
Massachusetts	M.G.L.A. 94C § 15 Record-Keeping and Inventory Requirements; Filing of DEA Form 106 with City, Town and State Police Departments upon Discovery of Theft or Loss of Controlled Substance (MA Controlled Substances Act)	If a person registered to distribute controlled substances discovers a theft or loss of controlled substances that requires the filing of DEA Form 106 with the United States Drug Enforcement Administration, the person shall simultaneously file a copy of that form with the department of state police. If a person registered to dispense controlled substances discovers a theft or loss of controlled substances that requires the filing of DEA Form 106 with the United States Drug Enforcement Administration, the person shall simultaneously file a copy of that form with the police department in the city or town wherein the theft or loss is alleged to have occurred and to the department of state police.
Massachusetts	105 CMR 700.005 Security Requirements (Department of Public Health)	(D) Report of Theft or Loss. A registrant shall report the theft or loss of any controlled substances to the designated agent of the Commissioner by telephone upon discovery of such theft or loss, and shall submit to said Commissioner a copy of "Report of Theft of Controlled Substances" (DEA Form 106), within seven days of such theft or loss.
Massachusetts	247 CMR 6.02 Conditions for Continuing Registration and Operation of a Pharmacy or Pharmacy Department (Board of Registration in Pharmacy)	(10) A pharmacy or pharmacy department shall report a theft or loss of a significant amount of controlled substances by submitting to the Board a copy of "Report of Theft or Loss of Controlled Substance" (DEA BND Form 106), within seven days of such theft or significant loss and, where applicable, shall comply with the reporting requirements of the DEA, the Department and the state and local police.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Massachusetts	651 CMR 12.04 General Requirements for an Assisted Living Residence (Department of Elder Affairs)	(14) Controlled Substances. Each Residence shall create policies and procedures intended to prevent the theft or diversion of controlled substances prescribed to Residents who participate in SAMM or LMA. Such procedures shall include: (a) a reporting process by which any such incidents of theft or diversion are reported, documented and investigated; and (b) safeguards for the storage and disposal of all controlled substances that have been prescribed for Residents participating in SAMM and LMA.
Michigan	Mich. Admin. Code R. 338.3141 Thefts and Diversions (Pharmacy – controlled substances)	(3) Within 10 days following discovery of a theft or loss of any controlled substance, a licensee shall notify the administrator of the theft or loss by submitting a United States drug enforcement administration theft and loss report form 106, a copy thereof, or equivalent document, whether or not the controlled substance is subsequently recovered or the responsible party is identified and action is taken against the party, and whether or not it is also reported to the DEA.
Minnesota	M.S.A. § 144A.4792 Medication Management (Nursing homes and home care)	Subd. 23. Loss or spillage. (a) Comprehensive home care providers providing medication management must develop and implement procedures for loss or spillage of all controlled substances defined in Minnesota Rules, part 6800.4220. These procedures must require that when a spillage of a controlled substance occurs, a notation must be made in the client's record explaining the spillage and the actions taken. The notation must be signed by the person responsible for the spillage and include verification that any contaminated substance was disposed of according to state or federal regulations. (b) The procedures must require the comprehensive home care provider of medication management to investigate any known loss or unaccounted for prescription drugs and take appropriate action required under state or federal regulations and document the investigation in required records.

State	Statute or Regulation (promulgating authority)	Text
Minnesota	Minnesota Rules, part 6800.4800 Reporting Controlled Substance Losses (Board of Pharmacy)	Any pharmacy, drug wholesaler, drug manufacturer, or controlled substance researcher detecting the theft or significant loss of any controlled substance drug, where the loss is attributable to other than inadvertent error, must report the loss, in writing, to the board and to the Drug Enforcement Administration immediately. The report must include a description of how the loss occurred, if known, the date the loss occurred, if known, the steps being taken to prevent future losses, and an inventory of the missing drugs.
Mississippi	Miss. Admin. Code 30-17-2640:1.11 Prescription Guidelines -- All Medications (Board of Medical Licensure)	G. A prescription shall no longer be valid after the occurrence of any one of the following events: * * * 3. Insofar as controlled substances are concerned, immediately after loss of DEA Controlled Substances Privilege by the issuing physician.
Mississippi	Miss. Admin. Code 30-17-2640:1.14 Security of Controlled Substances (Board of Medical Licensure)	When a physician who is registered with the U.S. Drug Enforcement Administration has experienced a loss of controlled substances, the Board may issue an order requiring that person to appear before the Board and present a plan designed to prevent further loss of controlled substances or he or she may be ordered by the Board to implement any other reasonable measures to improve security over controlled substances deemed necessary by the Board to prevent further loss of the controlled substances.
Mississippi	Miss. Admin. Code 30-20-3001:VII Responsibility of Pharmacist-In- Charge (PIC) (Board of Pharmacy)	C. The pharmacist-in-charge shall be responsible for adequate security being maintained on drugs in all areas of the permitted facility at all times and is responsible for reporting any loss or suspected loss of controlled substances or legend drugs directly to the Board immediately (this does not relieve any pharmacist who discovers a loss from the requirement of reporting the loss directly to the Board).
Mississippi	Miss. Admin. Code 30-20-3001:VIII Responsibility of Pharmacist/Pharmacist Care (Board of Pharmacy)	E. It is the responsibility of the discovering pharmacist to report losses or suspected losses of controlled substances or prescription drugs directly to the Board.

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<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Mississippi	Miss. Admin. Code 30-20-3001:XXV. Inventory Requirements for Controlled Substances (Board of Pharmacy)	1. If a facility has a loss of controlled substances, a complete inventory of all remaining controlled substances shall be made within forty-eight (48) hours of discovery of the loss of controlled substances. This inventory shall be dated and signed by the pharmacist conducting the inventory. Any loss or suspected loss of controlled substances shall be reported directly to the Mississippi Board of Pharmacy immediately upon discovery and a written report made to the Mississippi Board of Pharmacy within fifteen (15) days; this written report shall include a copy of the inventory required by this ARTICLE.
Mississippi	Miss. Admin. Code 30-20-3001:XXX Institutional/Long Term Care Facilities (LTCF) (Board of Pharmacy)	C. Reporting. The institution shall establish policies and procedures which assures that all medication errors and adverse drug reactions are reported immediately to the patient's physician and the consultant pharmacist and an entry made in the patient's record. These procedures should assure that corrective measures are implemented. The consultant pharmacist should be notified within twenty-four (24) hours of discovery of any discrepancy in counts or of a loss of any controlled substances. The consultant pharmacist should notify the Board immediately upon his/her notification with a plan to investigate the loss.
Missouri	19 Mo. Code of State Regulations 30-1.034 Security for Practitioners (Controlled Substances)	B) A registrant shall notify the Department of Health and Senior Services of the theft, diversion or significant loss of any controlled substances or regulated chemicals upon discovery. 1. The registrant shall complete and submit a report of the loss or diversion of controlled substances to the Department of Health and Senior Services no later than seven (7) business days after the discovery of such a loss. (continued below)

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Missouri (continued)	19 Mo. Code of State Regulations 30-1.034 Security for Practitioners (Controlled Substances)	<p>The loss report form shall contain the following information: name and address of registrant, business phone number; Missouri Controlled Substance Registration Number; federal Drug Enforcement Administration Registration number; date of theft or loss; date of discovery of theft or loss; county of location; principal type of registration such as M.D., D.O., D.P.M., O.D., D.V.M., D.D.S., D.M.D., A.N.P., emergency medical service, pharmacy, hospital, manufacturer, nursing home kit, narcotic treatment program, teaching institution, distributor, importer, exporter, or other specified business; whether or not the loss or theft was reported to law enforcement; the name and phone number of the law enforcement agency reported to; the number of losses or thefts the registrant has experienced in the past twenty-four (24) months; the type of loss or diversion such as, break in/burglary, robbery, employee theft, forged or falsified records, lost in transit, or other explained type of loss; if lost in transit, the name of the common carrier and name of consignee; the name(s) of the individual diverting controlled substances who was responsible for the theft or loss; copy of registrant's internal investigative report involving the loss or theft; the full name, date of birth and Social Security number of the individual(s) responsible for the theft or diversion, if known; a copy of the police report if law enforcement was notified; if the loss or diversion was in transit, identify the origin of the delivery, the name of the carrier(s) used and the name of the consignee; a list of all controlled substances lost, stolen or diverted by their generic name, trade name, the dosage strength, dosage form and quantity; the signature of the person completing the loss report and their title and the date of their signature. If the extent of the loss cannot be fully determined in that time frame, the registrant shall contact the Department of Health and Senior Services to request permission to submit an interim report and arrange for a complete report to be completed and submitted. The registrant may attach a copy of a completed Drug Enforcement Administration Loss Form in lieu of completing the back or second page of a loss report form provided by the Department of Health and Senior Services.</p> <p>(Continued below)</p>

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State	Statute or Regulation (promulgating authority)	Text
Missouri (continued)	19 Mo. Code of State Regulations 30-1.034 Security for Practitioners (Controlled Substances)	In the event of theft, diversion or suspected theft or diversion, the report submitted to the Department of Health and Senior Services shall be accompanied by or followed by a summary of the internal investigation performed, the outcome of the investigation, and a copy of any law enforcement agency report completed if applicable. 2. If an insignificant amount of a controlled substance is lost during lawful activities authorized under Chapter 195, RSMo, the reason for the loss or a description of what occurred, the name of the drug and the amount lost shall be documented in writing, signed by the registrant and attached or filed with the last completed annual inventory.
Missouri	19 Mo. Code of State Regulations 30-35.020 Hospice Providing Direct Care in a Hospice Facility (Hospices)	G. All losses of controlled substances shall be reported to the Missouri Bureau of Narcotics and Dangerous Drugs and to other federal, state and local authorities when required.
Missouri	19 Mo. Code of State Regulations 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities (Residential Care Facilities and Assisted Living Facilities)	(A) The facility shall notify the department's Section for Long Term Care (SLTC) and other appropriate authorities of any theft or significant loss of any controlled substance medication written as an individual prescription for a specific resident upon the discovery of the theft or loss. The facility shall consider at least the following factors in determining if a loss is significant: 1. The actual quantity lost in relation to the total quantity; 2. The specific controlled substance lost; 3. Whether the loss can be associated with access by specific individuals; 4. Whether there is a pattern of losses, and if the losses appear to be random or not; 5. Whether the controlled substance is a likely candidate for diversion; and 6. Local trends and other indicators of diversion potential; II/III (Continued below)

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<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Missouri (continued)	19 Mo. Code of State Regulations 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities (Residential Care Facilities and Assisted Living Facilities)	(B) If an insignificant amount of such controlled substance is lost during lawful activities, which includes but are not limited to receiving, record keeping, access auditing, administration, destruction and returning to the pharmacy, a description of the occurrence shall be documented in writing and maintained with the facility's controlled substance records. The documentation shall include the reason for determining that the loss was insignificant. II/III
Montana	MCA 50-32-404 Loss, Theft, or Other Discrepancy to be Reported (Controlled substances)	(1) The theft or loss of a substance regulated in accordance with 50-32-401 must be reported to the department of justice within 3 days after the theft or loss is discovered. (2) Any difference between the quantity received of any substance regulated as provided in 50-32-401 and the quantity shipped must be reported to the department of justice within 3 days of the discovery of the discrepancy. (3) A report made pursuant to this section shall also include the name of the common carrier or person who transported the substance and the date of shipment.
Montana	Mont.Admin.R. 24.174.1411 Security Requirements (Board of Pharmacy)	(3) The registrant shall notify the Board of Pharmacy in writing by forwarding a copy of the applicable DEA form reporting the theft or loss of any dangerous drugs upon discovery of such theft or loss. The notification shall contain a list of all dangerous drugs stolen or lost. (4) The registrant shall notify law enforcement officials of any theft or loss of any dangerous drug promptly upon discovery of such theft or loss.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Nebraska	Neb.Rev.St. § 38-1,124 Enforcement; Investigations; Violations; Credential Holder; Duty to Report; Cease and Desist Order; Violation; Penalty; Loss or Theft of Controlled Substance; Duty to Report (Health Occupations and Professions)	(3) Any credential holder who is required to file a report of loss or theft of a controlled substance to the federal Drug Enforcement Administration shall provide a copy of such report to the department.
Nebraska	Neb. Admin. R. & Regs. Tit. 175, Ch. 9, § 006 Standards of Operation, Care and Treatment (Hospitals)	9-006.09G4 Abuses and losses of controlled substances must be reported in accordance with Neb. Rev. Stat. §§ 28-401 to 28-445, the Uniform Controlled Substances Act, and the regulations promulgated thereunder.
Nevada	N.R.S. 453.568 Report of Loss or Theft of Controlled Substance (Controlled substances)	All loss or theft of controlled substances must be reported on forms provided by the Division to the Board and Division within 10 days after the date of discovery of the theft or loss.
Nevada	NAC 449.340 Pharmaceutical Services (Hospitals)	8. Abuses and losses of controlled substances must be reported, in accordance with all applicable state and federal laws, to the person responsible for the pharmaceutical service and the chief executive officer of the hospital.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
New Hampshire	N.H. Code Admin. R. Ph 703.03 Controlled Drug Losses (Pharmacy Board)	<p>(a) The pharmacist-in-charge or pharmacist on duty shall report to the board in writing, any theft or significant loss of controlled substances within one business day. The pharmacist-in-charge shall complete a New Hampshire Drug Loss Form (revised 5/2015) or DEA 106 Form and mail or fax to the board as soon as the investigation into the loss is complete or within 30 days of the discovery of the loss.</p> <p>(b) All instances of diversion shall be reported.</p> <p>(c) A pharmacy shall keep a perpetual inventory for all Schedule II drugs and actual counts shall be verified monthly. The inventory reports shall be maintained for a minimum of 2 years.</p> <p>(d) A pharmacy shall consider a controlled drug loss to be significant when:</p> <ol style="list-style-type: none"> (1) The percentage of dosage units of a specific drug exceeds 2% of monthly dispensing volume; or (2) Fifteen or more dosage units are not accounted for. <p>(e) The written report referenced in (a) shall contain at least the following:</p> <ol style="list-style-type: none"> (1) Date of discovery; (2) The identity of the person making the discovery; (3) The name and location of the pharmacy from which the drug is missing; (4) Name, strength, dosage form, NDC and quantity of the missing drug(s); and (5) The cause of the controlled drug loss as determined by the investigation.
New Jersey	N.J.A.C. 8:36–11.7 Storage and Control of Medications (Assisted living residences, personal care homes, assisted living programs)	(1) Any theft of Scheduled or Controlled Substances shall be reported to the New Jersey Department of Law and Public Safety, Division of Consumer Affairs, Enforcement Bureau of Professional Boards at (973) 504-6300, and/or to any other municipal, county, State, or Federal authority having jurisdiction over theft of such substances.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
New Jersey	N.J.A.C. 13:39-4.15 Security of Pharmacies and Pharmacy Departments (Board of Pharmacy)	<p>(a) The pharmacist(s) on duty in all pharmacies, including pharmacy departments, shall be responsible for:</p> <p>* * *</p> <p>3. Reporting all thefts or diversions of prescription legend drugs and devices and controlled substances, and any significant loss of prescription legend drugs and devices and controlled substances, to the pharmacist-in-charge or the pharmacy permit holder upon discovery. When determining whether a loss of prescription legend drugs or devices or controlled substances is significant, the following factors shall be considered, consistent with 21 CFR 1301.74(c):</p> <ul style="list-style-type: none"> i. The actual quantity of prescription legend drugs, devices or controlled substances missing in relation to the type of business; ii. The specific prescription legend drug, device or controlled substance missing; iii. Whether the loss of the prescription legend drug, device or controlled substance can be associated with access to those drugs, devices or controlled substances by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the drugs, devices or controlled substances; iv. 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; v. If known, whether the specific prescription legend drugs, devices or controlled substances are likely candidates for theft or diversion; and vi. Local trends and other indicators of the theft or diversion potential of the missing prescription legend drug, device or controlled substance. <p>(Continued below)</p>

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
New Jersey (continued)	N.J.A.C. 13:39–4.15 Security of Pharmacies and Pharmacy Departments (Board of Pharmacy)	(b) The holder of a pharmacy or pharmacy department permit and the pharmacist-in-charge of the pharmacy or pharmacy department shall ensure that: 2. If a theft or diversion of prescription legend drugs or devices or controlled substances, or a significant loss of prescription legend drugs or devices or controlled substances, as delineated in (a) above, is reported to the pharmacist-in-charge, the pharmacist-in-charge shall notify the holder of the pharmacy or pharmacy department permit of such report. The pharmacist-in-charge and the holder of the pharmacy or pharmacy department permit shall ensure that: i. A written report is filed with the Board upon discovery of the theft or diversion or the significant loss of prescription legend drugs or devices; and ii. A written report is filed with the Federal Drug Enforcement Administration upon discovery of the theft or diversion or any significant loss of controlled substances, consistent with Federal requirements. A copy of such report shall be filed with the Office of Drug Control, consistent with State requirements and with the Board;
New Jersey	N.J.A.C. 13:45H–2.5 Physical Security Controls for Practitioners (Controlled dangerous substances)	(d) The registrant shall notify the Drug Control Unit of the theft or loss of any controlled substances upon discovery of such loss or theft. The registrant shall also complete DDC–52 form regarding such loss or theft.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
New Mexico	N.M. Admin. Code 16.19.20 Controlled Substances (Pharmacists)	A. The registered supplier shall be responsible for reporting in-transit losses of controlled substances by a common carrier or contract carrier selected by the supplier upon discovery of such loss or theft. Registrant shall complete DEA Form 106 as required and furnish a copy to the board of pharmacy. B. A significant loss or theft of a controlled substance shall be reported in writing to the board of pharmacy and DEA on Form 106 as required by federal regulations. “Significant loss” includes suspected diversions, in-transit losses or any other unexplained loss and must be reported to the board of pharmacy within five (5) days of becoming aware of that loss. DEA Form 106 may be obtained from the board of pharmacy or DEA.
New York	10 NYCRR 80.110 Notification by Licensee (Controlled substances)	Persons licensed or certified pursuant to article 33 of the Public Health Law and persons authorized to possess controlled substances in connection with his authorized activities shall promptly notify the department of: (a) each incident or alleged incident of theft, loss or possible diversion of controlled substances manufactured, ordered, distributed or possessed by such person; a form of this purpose furnished by the department shall be filed with the Bureau of Narcotic Enforcement, New York State Department of Health;
New York	10 NYCRR 405.17 Pharmaceutical Services (Hospitals)	(3) All abuses and losses of controlled substances shall be reported to the director, and to the medical staff, as appropriate, in accordance with applicable Federal and State laws.
North Carolina	10A NCAC 13F.1008 Controlled Substances (Homes for the aged and infirm)	(h) The facility shall ensure that all known drug diversions are reported to the pharmacy, local law enforcement agency and Health Care Personnel Registry as required by state law, and that all suspected drug diversions are reported to the pharmacy. There shall be documentation of the contact and action taken.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
North Dakota	NDCC, 19-03.1-20.1 Report of Any Theft or Loss (ND Controlled Substances Act)	The registrant shall immediately, within one business day, notify the state board of pharmacy of any theft or significant loss of controlled substances. This report may be telephoned, faxed, or e-mailed to the state board of pharmacy. In addition, significant loss has been further defined to include a list of factors that are relevant in deciding whether a loss was significant. This list is as follows: 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, 5. Whether specific controlled substances are likely candidates for diversion; and 6. Local trends and other indicators of the diversion potential of the missing controlled substance.
Ohio	OAC 4729-9-15 Report of Theft or Loss of Dangerous Drugs, Controlled Substances, and Drug Documents (Controlled substances)	(A) Each prescriber, terminal distributor of dangerous drugs, or wholesale distributor of dangerous drugs shall notify the following upon discovery of the theft or significant loss of any dangerous drug or controlled substance, including drugs in transit that were either shipped from or to the prescriber, terminal distributor of dangerous drugs, or wholesale distributor of dangerous drugs: (1) The state board of pharmacy, by telephone immediately upon discovery of the theft or significant loss; (2) If a controlled substance, the drug enforcement administration (DEA) pursuant to 21 C.F.R. 1301.76(b); (3) Law enforcement authorities pursuant to section 2921.22 of the Revised Code. (Continued below)

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Ohio (continued)	OAC 4729-9-15 Report of Theft or Loss of Dangerous Drugs, Controlled Substances, and Drug Documents (Controlled substances)	<p>(B) Controlled substance thefts must also be reported by using the federal DEA report form whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them. A copy of the federal form regarding such theft or loss shall be filed with the state board of pharmacy within thirty days following the discovery of such theft or loss.</p> <p>(1) An exemption may be obtained upon sufficient cause if the federal form cannot be filed within thirty days.</p> <p>(2) A request for a waiver of the thirty-day limit must be requested in writing.</p> <p>(C) Each prescriber, terminal distributor of dangerous drugs, or wholesale distributor of dangerous drugs immediately upon discovery of any theft or loss of:</p> <p>(1) Uncompleted prescription blank(s) used for writing a prescription, written prescription order(s) not yet dispensed, and original prescription order(s) that have been dispensed, shall notify the state board of pharmacy and law enforcement authorities.</p> <p>(2) Official written order form(s) as defined in division (Q) of section 3719.01 of the Revised Code shall notify the state board of pharmacy and law enforcement authorities, and the drug enforcement administration (DEA) pursuant to 21 C.F.R. 1305.12(b).</p>
Ohio	OAC 4729-33-03 Security and Storage of Dangerous Drugs (Emergency medical services)	(K) Any loss or theft of dangerous drugs must be reported upon discovery, by telephone, to the state board of pharmacy, local law enforcement and, if controlled substances are involved, to the drug enforcement administration. A report must be filed with the state board of pharmacy of any loss or theft of the vehicle or storage cabinets containing dangerous drugs used by the EMS organization.

State	Statute or Regulation (promulgating authority)	Text
Oklahoma	Okla. Admin. Code 310:667-39-12 Drug Distribution (Critical access hospital)	(9) Abuse and loss of controlled substances shall be immediately reported to the pharmacist director and to the administrator who shall make required reports to local, State and Federal authorities. If the CAH maintains a pharmacy or drug room, the administrator, or the administrator's authorized representative, shall inventory pharmacy controlled substances and alcohol at least annually.
Oklahoma	Okla. Admin. Code 310:667-40-12 Drug Distribution (Emergency hospital)	(9) Abuse and loss of controlled substances shall be immediately reported to the pharmacist director and to the administrator who shall make required reports to local, state and federal authorities. If the EH maintains a pharmacy or drug room, the administrator, or the administrator's authorized representative, shall inventory pharmacy controlled substances and alcohol at least annually.
Oklahoma	Okla. Admin. Code 475:20-1-5 Other Security Controls for Nonpractitioner Registrants (Controlled substances)	(c) All registrants shall notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of any theft or significant loss of any controlled dangerous substances upon discovery of such theft or loss. Notification shall be made in writing and shall contain a list of the substances stolen or diverted by their trade name, quantities, descriptions, amount lost or stolen, and any cost code marks utilized. Thefts must be reported whether or not the controlled dangerous substances are subsequently recovered and/or the responsible parties are identified and action taken against them.
Oklahoma	Okla. Admin. Code 475:20-1-8 Other Security Controls for Registrants (Controlled substances)	(a) All registrants shall immediately notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of any theft or significant loss of any state or federal registration certificates, D.E.A. Form 222 order blanks, prescription blanks or other materials used in purchasing, distributing, prescribing or transferring controlled dangerous substances. (b) All registrants shall immediately notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or the local law enforcement agency having jurisdiction of any information the registrant receives concerning any violations of the Oklahoma Controlled Dangerous Substances Act and/or federal statutes and regulations related to controlled dangerous substances.

State	Statute or Regulation (promulgating authority)	Text
Oregon	OAR 411-054-0028 Abuse Reporting and Investigation (Residential care and assisted living facilities)	(c) LAW ENFORCEMENT AGENCY. The local law enforcement agency must be called first when the suspected abuse is believed to be a crime (e.g., rape, murder, assault, burglary, kidnapping, theft of controlled substances, etc.).
Oregon	OAR 411-085-0360 Abuse (Nursing facilities)	(b) The local law enforcement agency must be called first when the suspected abuse is believed to be a crime (for example, rape, murder, assault, burglary, kidnapping, or theft of controlled substances).
Oregon	OAR 851-056-0026 Rules Relating to Controlled Substances (Board of Nursing)	(g) Theft of controlled substances shall be immediately reported upon discovery to the DEA and to any other required authorities.
Oregon	OAR 855-041-1030 Reporting Drug Loss (Board of Pharmacy)	(3) At the time a Report of Theft or Loss of Controlled Substances (D.E.A. Form 106) is sent to the Drug Enforcement Administration, a copy shall be sent to the Board.
Pennsylvania	28 Pa. Code § 1027.5 Medication Use, Control and Security (EMS agencies)	(6) Ensuring, in the event of an unexplained loss or theft of a controlled substance, that the dispensing pharmacy, physician or hospital has contacted local police or State Police and the Department's Drugs, Devices and Cosmetics Office and has filed a DEA Form 106 with the Federal Drug Enforcement Administration.
Rhode Island	Gen.Laws 1956, § 21-28-3.16 Form, Content, and Preservation of Records (RI Controlled Substances Act)	(4) All persons authorized to handle controlled substances under this chapter shall immediately report to the director of health all controlled substances lost, destroyed, or stolen, and the kind and quantity of the controlled substances and the date of the discovery of the loss, destruction or theft.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Rhode Island	R.I. Admin. Code 31-2-8:13.0 General Requirements: All Pharmacies (Department of Health - Pharmacies)	13.1.5 The pharmacist-in-charge of a pharmacy shall be responsible for no less than the following: * * * (b) Maintain adequate controls to prohibit the diversion of controlled substances and promptly execute DEA Form 106 (or its successor form) to the Drug Enforcement Administration and the Department in the event of a theft or loss of a controlled substance.
South Carolina	S.C. Code of Regulations R. 61-4.404 Other Security Controls for Non-Practitioners; Narcotic Treatment Programs and Compounders for Narcotic Treatment Programs (Controlled substances)	(c) The registrant shall notify the office of the Bureau of Drug Control of any theft or loss of any controlled substances upon discovery of such theft or loss. The supplier shall be responsible for reporting in-transit losses of controlled substances by the contract or common carrier pursuant to subparagraph (e) of this section, upon discovery of such theft or loss. The registrant shall also complete DEA Form 106 regarding such theft or loss. Thefts shall be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.
South Carolina	S.C. Code of Regulations R. 61-4.406 Other Security Controls of Practitioners (Controlled substances)	(b) The registrant shall notify the Bureau of Drug Control, DHEC, of the loss or theft of any controlled substances upon discovery of such loss or theft. The registrant shall also complete DEA Form 106 regarding such loss or theft. (c) The supplier shall be responsible for reporting in-transit losses of controlled substances by the common or contract carrier selected pursuant to 21 CFR § 1301.74(e), upon discovery of such theft or loss.
South Carolina	S.C. Code of Regulations R. 61-4.407 Loss by Diversion Due to Repeated Thefts (Controlled substances)	(a) Any registrant who suffers repeated losses of controlled substances by theft due to break-ins, employee theft, mysterious disappearance, or other than through an armed robbery shall be deemed to be providing inadequate security for such controlled substances.

State	Statute or Regulation (promulgating authority)	Text
South Carolina	S.C. Code of Regulations R. 61-4.1904 Responsibility for Controlled Substances (Hospitals)	The administrator shall be certain that all possible control measures are observed, and that any suspected diversion or mishandling of controlled substances is reported immediately to the Bureau of Drug Control for investigation. The administrator is ultimately responsible that all thefts be reported to DHEC pursuant to §§ 410 through 411 of this Regulation.
South Carolina	S.C. Code of Regulations R. 61-4.1911 Procedures in Case of Loss, Theft, etc. (Hospitals)	(a) Discrepancies in controlled substances count: Those involving small amounts (such as single doses) shall be reported to a responsible supervisory official. An investigation should be made to determine the cause of the loss. A copy of the report of the investigation, signed by the responsible supervisor shall be filed with the hospital controlled substance records, and appropriate action taken to prevent recurrence. (b) Recurring shortages: In cases of recurring shortages or loss of significant quantities of controlled substances (several doses), a thorough investigation shall be made, making every effort to determine the reason for the shortages, and the person responsible for the shortage, if possible. A complete report of the incident and findings shall be made to the administrative authority of the hospital. Appropriate action shall be taken immediately to prevent recurrence. A copy of the report, including any findings resulting from the local investigations, and a theft report, as required by §408, shall be forwarded to the Bureau of Drug Control, DHEC, 2600 Bull Street, Columbia, SC 29201.
South Carolina	S.C. Code of Regulations R. 61-84.605 Accounting of Controlled Substances (II) (Community residential care facilities)	Any facility registered with the Department's Bureau of Drug Control and the United States Drug Enforcement Agency shall report any theft or loss of controlled substances to local law enforcement and to the Department's Bureau of Drug Control upon discovery of the loss/theft.
South Dakota	ARSD 44:58:07:05 Theft reports (Drug control)	A registrant shall notify the division [Division of Health Systems Development and Regulation of the Department of Health] of the theft or loss of a controlled substance within 48 hours. The report shall include the names and quantities of drugs and the circumstances involved in the theft or loss.

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<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Tennessee	Tenn. Comp. R. & Regs. 1140-03-.09 Loss of Prescription Drugs, Devices and Related Materials (Board of Pharmacy)	The pharmacist in charge shall immediately report to the board any robbery, embezzlement, theft, burglary, or fire or disaster resulting in a loss of prescription drugs, or controlled substances or medical devices or related materials. The report shall include a list, including amounts, of such prescription drugs or controlled substances or medical devices or related materials lost or damaged.
Tennessee	Tenn. Comp. R. & Regs. 1200-08-01-.06 Basic Hospital Functions (Hospitals)	(6)(e) Abuses and losses of controlled substances must be reported, in accordance with federal and state laws, to the individual responsible for the pharmaceutical service, and to the chief executive officer, as appropriate.
Texas	V.T.C.A., Occupations Code § 562.106 Notification (Pharmacy)	(b) A pharmacy shall report in writing to the board a theft or significant loss of any controlled substance immediately on discovery of the theft or loss. The pharmacy shall include with the report a list of all controlled substances stolen or lost.
Texas	TAC § 291.3 Required Notification (Board of Pharmacy – all classes of pharmacies)	(e) Notification of Theft or Loss of a Controlled Substance or a Dangerous Drug. (1) Controlled substances. For the purposes of the Act, §562.106, the theft or significant loss of any controlled substance by a pharmacy shall be reported in writing to the board immediately on discovery of such theft or loss. A pharmacy shall be in compliance with this subsection by submitting to the board a copy of the Drug Enforcement Administration (DEA) report of theft or loss of controlled substances, DEA Form 106, or by submitting a list of all controlled substances stolen or lost. (2) Dangerous drugs. A pharmacy shall report in writing to the board immediately on discovery the theft or significant loss of any dangerous drug by submitting a list of the name and quantity of all dangerous drugs stolen or lost.

<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Texas	22 TAC § 291.75 Records (Board of Pharmacy – institutional pharmacy – Class C)	(e) Other records. Other records to be maintained by a pharmacy: * * * (10) a hard copy of any notification required by the Texas Pharmacy Act or these sections including, but not limited to, the following: * * * (A) reports of theft or significant loss of controlled substances to DEA, DPS, and the board.
Texas	25 TAC § 133.41 Hospital Functions and Services (Hospital licensing)	(G) Abuses and losses of controlled substances shall be reported, in accordance with applicable federal and state laws, to the individual responsible for the pharmaceutical services, and to the chief executive officer, as appropriate.
Texas	37 TAC § 13.253 Reporting Discrepancy, Loss, Theft, or Other Potential Diversion (Department of Public Safety - Controlled substances)	(a) Generally. A person covered by this subchapter must notify the director not later than the third day after the date the person learns of: (1) a discrepancy in the amount of an item ordered from a source inside or outside this state and the amount received, if not back ordered; (2) a loss or theft during shipment from a source inside or outside this state; or (3) a loss or theft from current inventory. (b) How made. A person covered by this subchapter must notify the director by submitting a report to the director through the appropriate section of the Narcotics Regulation Bureau. The report must be made on: (1) a DPS Form NAR-91, for a registrant under Subchapter B of this chapter (relating to Registration) or Subchapter C of this chapter (relating to Peyote); (2) a DPS Form NAR-91B, for a precursor or apparatus permit holder under Subchapter E of this chapter (relating to Precursors and Apparatus); or (3) a duplicate of the equivalent DEA form for reporting a theft or loss of a controlled substance to DEA.

State	Statute or Regulation (promulgating authority)	Text
Utah	U.A.C. R156-37 Utah Controlled Substances Act Rule (Division of Occupational and Professional Licensing - controlled substances)	(2) Any licensee who experiences any shortage or theft of controlled substances shall immediately file the appropriate forms with the Drug Enforcement Administration, with a copy to the Division directed to the attention of the Investigation Bureau. He shall also report the incident to the local law enforcement agency.
Vermont	Vt. Admin. Code 20-4-1400:6.3 Duties Included (Board of Pharmacy)	(i) Notify the Board of Pharmacy immediately of any of the following changes on forms provided by the Board: (1) Any theft or significant loss of prescription drugs shall be reported to the Board immediately by telephone, email or fax. Within three days, a written report shall be made on forms available from the Board and on line for this purpose.
Virginia	VA Code Ann. § 54.1-3404 Inventories of Controlled Substances Required of Certain Persons; Contents and Form of Record (Drug Control Act)	E. Whenever any registrant or licensee discovers a theft or any other unusual loss of any controlled substance, he shall immediately report such theft or loss to the Board [of Pharmacy]. If the registrant or licensee is unable to determine the exact kind and quantity of the drug loss, he shall immediately make a complete inventory of all Schedule I through V drugs.
Virginia	18 VAC 110-20-500 Licensed Emergency Medical Services (EMS) Agencies Program (Emergency services to hospitals)	4. When the drug kit has been opened, the kit shall be returned to the pharmacy and exchanged for an unopened kit. The record of the drugs administered shall accompany the opened kit when exchanged. An accurate record shall be maintained by the pharmacy on the exchange of the drug kit for a period of one year. A pharmacist, pharmacy technician, or nurse shall reconcile the Schedule II, III, IV, or V drugs in the kit at the time the opened kit is returned. A record of the reconciliation, to include any noted discrepancies, shall be maintained by the pharmacy for a period of two years from the time of exchange. The theft or any other unusual loss of any Schedule II, III, IV, or V controlled substance shall be reported in accordance with § 54.1-3404 of the Code of Virginia.

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<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Washington	WAC 246-873-080 Drug Procurement, Distribution and Control (Pharmacy – hospital standards)	(k) Significant losses or disappearances of controlled substances and the facts surrounding the discrepancy shall be reported to the board of pharmacy, the drug enforcement agency, the chief executive officer of the hospital and other appropriate authorities.
Washington	WAC 246-887-020 WA Controlled Substances Act (Controlled substances)	(3) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of two years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include: * * * (c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the [Pharmacy Quality Assurance] commission.
West Virginia	W. Va. Code St. R. § 15-2-4 Security Requirements (Board of Pharmacy)	4.5. The registrant shall notify the Office of the West Virginia Board of Pharmacy of any theft or significant loss of any controlled substances upon discovery of the theft or loss as provided in subsection 8.3 below.
West Virginia	W. Va. Code St. R. § 15-2-8 Miscellaneous (Board of Pharmacy)	8.3. Reporting theft of drugs. 8.3.a. In the event of any controlled substances being lost or stolen, the registrant shall immediately submit a report of the drug theft or loss (DEA Form 106) to the Board of Pharmacy.
Wisconsin	Wis. Adm. Code s Phar 8.02 Records (Pharmacy Examining Board)	(f) In any instance that a pharmacy, practitioner or other DEA registrant authorized to possess controlled substances is required to file with the DEA a report of theft or loss of controlled substances, the pharmacy, practitioner or other DEA registrant shall also send a copy to the board within 2 weeks of filing with the DEA. Note: The Drug Enforcement Administration regional office is at 1800 Dirksen Federal Building, 219 S. Dearborn, Chicago, Illinois 60604.

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<u>State</u>	<u>Statute or Regulation (promulgating authority)</u>	<u>Text</u>
Wyoming	W.S.1977 § 33-24-113 Licensing of Resident Pharmacy; Exceptions; Display of License; Suspension, Revocation, Letter of Admonition, Administrative Penalty or Refusal to Renew; Appeals (Pharmacy)	(a) Any pharmacy located in this state which dispenses, mails or in any manner delivers controlled substances or dangerous drugs or devices in this state pursuant to a prescription or provides pharmaceutical care in this state shall: * * * (ii) Notify the board of the occurrence of any of the following: * * * (D) Any substantial theft or loss of dangerous drugs, controlled substances or medical devices.
Wyoming	WY Rules and Regulations AI PDSC Ch. 3 s 27 Other Security Controls for Nonpractitioners (Board of Pharmacy)	(c) The registrant shall notify the Drug Enforcement Administration and the Board of any theft or significant loss of any controlled substances upon discovery of such theft or loss. The registrant shall also complete an inventory regarding such theft or loss and submit a copy of such inventory to the Board. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.
Wyoming	WY Rules and Regulations AI PDSC Ch. 3 s 29 Other Security Controls for Practitioners (Board of Pharmacy)	(b) The registrant shall notify the Board and the Drug Enforcement Administration of the theft or significant loss of any controlled substances upon discovery of such loss or theft. The registrant shall also complete an inventory regarding such loss or theft and submit it in writing to the Board.