



*“ Contact us before DEA or . . . . . ”*

**Carlos M. Aquino**

**Compliance Consultant**

**PharmaDiverison, LLC**



**Controlled Substances**

**and**

**Dentistry**

# **My Experience**

**24 Years with Philadelphia Police  
(Last 10 years assigned to DEA Task Force)**

**12 Years with PFD DEA Diversion  
(8 as an Investigator & 4 as a  
Supervisor)**

# **PURPOSE OF THIS TRAINING**

- Federal & State Dentistry Board Regulations**
- Actions Taken by Law Enforcement**
- Training Recommendations**

**“ A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. ”**

**Title 21, Code of Federal Regulations Section 1306.04(a)**

[www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

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## INFO & LEGAL RESOURCES

- Title 21 Regulations & Codified CSA
- Publications & Manuals
- Q&A

**SCOPE OF AUTHORITY - A dentist may prescribe, administer, or dispense a controlled substance only:**

**1. In good faith in the course of the dentist's professional practice**

**2. Within the scope of the dentist-patient relationship**

**3. In accordance with treatment principles accepted by a responsible segment of the profession**

**Model Policy for the Use of**  
**Controlled Substances for the**  
**Treatment of Pain**

**Federation of State Medical Boards  
of the United States, Inc.**

**Adopted as Policy May 2004**



# **ACTIONS TAKEN BY LAW ENFORCEMENT**

**- Criminal**

**- Civil**

**- Administrative**

# **CRIMINAL ACTIONS**

**Prescribing in Exchange for Street  
Drugs or Sex (Never for Economic  
Reason)**

**Calling In or Writing a Prescription  
Using a Different DEA Number**

**Violation of Title 21, United States Code  
841(a)(1)**

# **CRIMINAL ACTIONS**

## **Self-Prescribing for Personal Use (Pain vs. Addiction)**

- Outside of Professional Practice**
- No Doctor-Patient Relationship**
  - No Treatment Plan**
- Prosecution on a State Level for violation of their Controlled Substances Act**

# **CIVIL ACTIONS**

**No Dispensing or Purchasing  
Records for Controlled Substances  
Obtained for Office Use**

**- Subject to up to a \$10,000 fine**

**Violations of Title 21, United States Code 842 (a)(5)  
and (a)(10)**

# **ADMINISTRATIVE ACTIONS**

- Surrender of a DEA Registration**
- Surrender of a State Medical License**
- Memorandum of Understanding**
- Letter of Admonition**

# THE QUESTION

How to Minimize  
Exposure

# **THE ANSWER**

## **Continuing Education on Use of Controlled Substances**

**“From the First Year in Dental School Until the Doctor Retires”**

**Carlos M. Aquino  
Compliance Consultant**

- **The Use of Controlled Substances for Pain**
- **Federal and State Requirements for Dispensing, Administering and Prescribing Controlled Substances**
- **Federal and State Record-Keeping & Security Requirements for Controlled Substances**
- **The Importance of a Good Medical Chart**
  - **Patient-Dentist Relationship**
- **The Role of the Physician's Health Program**



**DEA Diversion**

**State Board of Dentistry**

**Attorney General's Office**

**Compliance Consultants**



Q & A

**Thank You**

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