

Compliance Issues Related to Controlled Substances



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Scope of the Problem

- “We’re one of the lucky organizations”
- ”That wouldn’t happen here. We’re a small facility.”
- Look at:
 - Number of cases per year
 - How they are identified
- Mitigate risk with a formal program, transparency, and development of a culture of accountability

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The Potential for Harm is Very Real

- Care delivered by an impaired provider
- Withholding medications from patients in need
- Transmission of bloodborne pathogens
- Overdose, death
- Driving impaired

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The Potential for Harm is Very Real

- HIPAA violations
- Liability-civil, regulatory
- 340B and GPO compliance
- Negative publicity (brand at risk)

Nurse charged after allegedly exposing patients to Hep C with needles she used for drugs



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Goals

- Prevent, detect and respond
- Culture of ongoing awareness and accountability



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What is Needed System-Wide?

- Uniform processes
- Consistent objectives where uniformity isn't feasible
- Simplicity
- Communication across the system

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Program Operations and Oversight

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- Daily operations-surveillance
- Database
- Educator

Other Key Functions

- Education
- Institutional resource
- Diversion risk rounds
- Community, LE and regulatory liaison

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Program Operations and Oversight

8 **Diversion Response Team**

- Multidisciplinary
- Input from manager of suspected staff member
- Short notice and after normal business hours

Diversion Oversight Committee –

- High level
- Ensures support and direction for program
- Data tracking over time

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Diversion Committee Membership

27

- Anesthesia
- Nursing
- Pharmacy
- Security
- Risk Management
- Quality/Safety
- Accreditation
- Chief Medical Officer or designee
- Compliance
- Infection prevention
- Human Resources
- Occupational Health
- Research
- Counsel
- Ad hoc

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Important Elements

10

- Policies to prevent, detect and properly respond to diversion
- Shared responsibilities between key departments
- Method of auditing – *for all areas*
- Prompt attention to suspicious data
- Collaborative relationship with external agencies
- Education for all staff– transparency is essential
- Regular diversion risk rounding

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Final Thoughts

A formal diversion program is essential for:

- Compliance
- Risk reduction
- Protection of staff, associates and the community

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Q&A



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