



Topical Index of Citations



Citations apply to controlled substances only

Statutes are in Chapter 195, RSMo

Regulations are in 19 CSR 30-Chapter One

DEA Federal Regulations are in Title 21 CFR Section 1300

REGISTRATION ISSUES

Registration required before activities take place.....	195.030.2 & CSR 1.017(2)
Activity must be within authority of license and registration.....	195.030.3 & CSR 1.026
When registrations are required at multiple locations.....	195.030.6 & CSR 1.026
Fees for registrations & exemptions & fees not refundable.....	19 CSR 30-1.015
Missouri practice locations required for full registrations.....	19 CSR 30-1.019(2)
Requirement to notify BNDD of change in address or name.....	19 CSR 30-1.023(2)
DEA certificate must be on site and retrievable.....	21 CFR 1301.35(c)
Disposal drug box requires registration modification.....	19 CSR 1.078(1)(D)

GROUND FOR DENYING/REVOKING REGISTRATION

Person abusing drugs cannot have a registration.....	195.040.2
No registration for 7 years if guilty plea to felony drug crime.....	195.040.2
No registration for 2 years if guilty plea to misdemeanor drug crime.....	195.040.2
Applicant did not maintain controls to prevent diversion.....	195.040.3(1)
Noncompliance with applicable state and local laws.....	195.040.3(2)
Conviction(s) under state or federal drug laws.....	195.040.3(3)
Establishment lacks controls against diversion.....	195.040.3(4)
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DEA registration has been revoked/suspended.....	195.040.3(6)
Other factors consistent with public health.....	195.040.3(7)
Professional license not currently active.....	19 CSR 1.017(4)(H)
Application not completed—no response in 60 days.....	19 CSR 1.017(2)(D), & (3)

RECORD KEEPING

Required records must be maintained.....	195.050.6
Pharmacy prescription records not readily accessible.....	195.060.1
Pharmacy prescription records not maintained 2 years.....	195.060.1
Failure to keep, maintain, or furnish any drug record.....	579.084, RSMo
Drug record not kept for two years.....	19 CSR 1.041(2)
Drug records not maintained at registered location.....	19 CSR 1.041(2)
Drug records stored at central location without permit.....	19 CSR 1.041(2)
Drug records not available for inspection.....	19 CSR 1.041(2)
C2 records not separate from C3-C5 (distributors, import & export).....	19 CSR 1.041(4)
C2 records not separate from C3-C5 for practitioners.....	19 CSR 1.041(3)
Manuf, Distrib, Import, & Export records not readily retrievable.....	19 CSR 1.041(4)
Practitioner C3-C5 records not readily retrievable.....	19 CSR 1.041(5)
Pharmacy C2 records not separate from C3-C5.....	19 CSR 1.041(4)
Pharmacy records not readily retrievable.....	19 CSR 1.041(5)
Separate inventory lacking for separate location.....	19 CSR 1.042(1)(B)
Initial inventory lacking (must be within 2 years).....	19 CSR 1.042(2)(A)
Annual inventory lacking.....	19 CSR 1.042(3)
New controlled substances not on inventory.....	19 CSR 1.042(4)
Drug records are to be current, complete and accurate.....	19 CSR 1.044(1)
Dispensing log—what information is required.....	19 CSR 1.048(1)
Dispensing log nonexistent.....	19 CSR 1.048(1)
Receipt records incomplete—what is required.....	19 CSR 1.048(1)
Receipt records nonexistent.....	19 CSR 1.048(1)
Disposal/waste/destruction records incomplete.....	19 CSR 1.048(1)
Disposal/waste/destruction records nonexistent.....	19 CSR 1.048(1)
Administration records C2-C5 incomplete—what is required.....	19 CSR 1.048(2)
Prescribing records for C2 incomplete.....	19 CSR 1.048(2)
Drug transfer records incomplete.....	19 CSR 1.048(4)
Drug transfer records nonexistent.....	19 CSR 1.048(4)
DEA Order Form not used to transfer C2.....	19 CSR 1.048(5)
Practitioner not filing faxed prescriptions in separate chronologic file.....	19 CSR 1.048(7)
LTCF not maintaining E-kit transfer records.....	19 CSR 1.052(1)
Expired drug destruct records incomplete/nonexistent.....	19 CSR 1.078(1)
Pharmacy computer system unable to retrieve records.....	21CFR 1306.22(b)(1)
Records not available for inspection.....	19 CSR 1.041(2)
Daily printout of electronic communicated transmissions not maintained properly.....	19 CSR 1.048(9)

PRACTITIONERS REQUIRED TO MAINTAIN PATIENT CHARTS

Requirements for charts and contents by physicians	334.097.1, RSMo
Requirements for charts and contents by dentists.....	332.052, RSMo
Requirements for charts and contents by veterinarians.....	340.284, RSMo
	20 CSR 2270-4.041
	20 CSR 2270-6.011(8)

DRUG SECURITY

Controls & procedures must be adequate to detect and prevent diversion.....	19 CSR 1.031(1)
Physical security not commensurate with types& quantities of drugs.....	19 CSR 1.031(2)
Non-practitioner lacks system to detect suspicious orders.....	19 CSR 1.031(2)
Non-practitioner fails to notify BNDD of loss/theft.....	19 CSR 1.032(3)
Practitioner must lock C2 drugs.....	19 CSR 1.034(1)(A)
Practitioner must lock C3-5 drugs.....	19 CSR 1.034(1)(B)
Persons with guilty pleas for drug crimes must have waivers to access drugs.....	19 CSR 1.034(2)(A)
Practitioner failed to notify BNDD of loss/theft.....	19 CSR 1.034(2)(B)(1)
Records inadequate to conduct audit of drugs.....	19 CSR 1.031(1)
Prescription pads left out in unattended in patient area.....	19 CSR 1.031(1)
Pre-signing a prescription blank-still found blank.....	19 CSR 1.031(1)
Pre-signing a prescription blank-drugs were dispensed.....	19 CSR 30-1.062(3)

PRACTITIONER PRESCRIBING

Prescription must bear the date it was issued—no post-dating.....	195.060.1
Prescription must be signed by prescriber.....	195.060.1
Prescribed outside scope of professional practice.....	195.070.1
Prescribed without established practitioner/patient relationship.....	195.070.1
Prescribed outside scope of veterinary practice.....	195.070.2
Practitioner cannot prescribe or dispense to self.....	195.070.4
Cannot prescribe to obtain office stock for administering & dispensing in office...21 CSR 1.048(6)	
Pre-signing a prescription blank-still found blank.....	19 CSR 1.031(1)
Pre-signing a prescription blank-drugs were dispensed.....	19 CSR 30-1.062(3)
Emergency oral C2 prescription issued in a non-emergency.....	19 CSR 30-1.070(1)
Prescribed opiates to addict for unauthorized detoxification.....	21 CFR 1306.07
Requirements of a prescription-prescriber must complete.....	21 CFR 1306.05(a)
Use of False DEA Number.....	USC CSA 843(c)(a)(2)
Refills overlapping too soon causes diversion.....	19 CSR 30-1.031(1)
Patient chart not documented to determine if a refill is timely.....	19 CSR 30-1.048(2) & 1.031(1)
Written C2 prescription must be written to cover emergency oral Rx within 7 days... 19 CSR 30-1.070(1)(D)	
Physical examination required by practitioner.....	DEA case law
Faxed Rx must bear fax#, date & time of transmission.....	19 CSR 1.048(7)
Prescriber must fill out prescription/pharmacy cannot fill out.....	21 CFR 1306.04 & 05

Mid-level practitioners limited to only a 5-day supply of opiates.....	195.070.2
Mid-level's only schedule II drug authority is for hydrocodone only.....	195.070
First time or new prescription for opiates is limited to 7 days.....	195.080.2
Patients receiving opiate prescriptions must receive counseling.....	195.080.2
Schedule II prescriptions must be issued to patient or pharmacy on same date signed.....	19 CSR 30-1.062(3) and 21 CFR 1306.05(s)
Electronic prescribing required unless practitioner has waiver.....	195.550
Practitioner may take possession of patient Rx for office use, only if authorized by DEA.....	195.070

PRACTITIONER DISPENSING:

Dispense without established practitioner.-patient relationship.....	19 CSR 1.066(1)(D) & 195.070.1
Dispense outside scope of practice.....	195.070.1
Unsupervised dispensing by staff.....	19 CSR 1.066(1)(A) & .195.070.1
Dispensing outside scope of veterinary practice.....	195.070.2
Dispensing drugs to self for personal use.....	195.070.4
For non-controlled drugs, physicians must follow State Regulation.....	20 CSR 2150-5.020
Dispensing log must have required information.....	19 CSR 30-1.048(2)
Disposing of partial doses contaminated by patient contact.....	19 CSR 30-1.078(4)
Disposing of drugs that are expired, not contaminated by patient.....	19 CSR 30-1.078(1)

PACKAGING & LABELING

Childproof containers required.....	19 CSR 30-1.066(1)(B)
Labeling requirements for containers.....	195.100.5, RSMo and 19 CSR 30-1.066(1)(c)
Label that warns patient against illegal transfer.....	195.100.3
Pharmacies must print name of collab. doctor on mid-level prescriptions.....	195.080

RETAIL PHARMACY DISPENSING

Prescriptions valid for only 6 months.....	195.060.1
Dispensed fraudulent/invalid or incomplete prescription.....	195.060.1
Dispensed C2 prescription without practitioner's signature.....	19 CSR 1.062(1) & 195.060.1
Dispensed Rx must document pharmacy employee and date dispensed.....	195.060.1
Dispensing must occur in good faith	195.060.1
Unauthorized refill of C2 Rx.....	195.060.1
C3-C5 Rx refilled more than 5 times.....	195.060.1
Dispensing more than allowable supply.....	195.080.2
Fail to notify BNDD when prescriber did not supply original C2 Rx for emergency.....	19 CSR 1.070(1)(D)
Practice pharmacy without license.....	338.010
Partial dispensing of prescriptions.....	19 CSR 30-1.064

Prescriber must fill out prescription/pharmacy cannot fill out.....21 CFR 1306.04 & 05

DEA FORM 222 OFFICIAL ORDER FORMS

C2 purchasing/receipt procedures not followed.....195.050.3
Order form not used to obtain/transfer C2.....21 CFR 1305.03
Third copy lacks date & quantity received.....21 CFR 1305.13(e)
Third copy of form missing.....21 CFR 1305.13(a)
Agent/employee executing forms without power of attorney.....21 CFR 1305.04 & 05
Electronic 3rd copy off computer-no date of receipt.....21 CFR 1305.22(g)

AGENCIES WITH ACCESS TO RECORDS

BNDD has access to drug records.....195.050.6 & 195.375.5, & 579.084, RSMo, and
19 CSR 30-1.041(2)
Law enforcement has access to drug records.....195.375.5
Records must be produced to BNDD within 3 days.....19 CSR 30-1.044(5)

CRIMINAL VIOLATIONS

Drug activities without a registration.....579.084, RSMo
Fraudulently obtain a drug by fraud/misrepresentation.....579.045, RSMo
Fail to make, keep, maintain or provide a drug record.....579.084, RSMo
Falsifying a drug record for theft/diversion.....579.045, RSMo
Possess or utter a forged prescription.....579.045, RSMo
Possess illegal drug paraphernalia.....579.107, RSMo
Practicing pharmacy without a license.....338.010, RSMo
Practicing medicine without a license.....334.010, RSMo
Stealing a controlled substance.....570.030.3(5)(m), RSMo