

November 1, 2019

Applicability of the SUPPORT Act to Veterinarians

The DEA recently announced the launch of the Suspicious Orders Report System (SORS) Online, a new centralized database [<https://deadiversion.usdoj.gov/sors/index.html>], where DEA registrants, including veterinarians, must report suspicious orders of controlled substances. The DEA has sent communication about the program to all practitioner registrants. The good news is that the impact upon veterinary practices should be negligible and compliance should be relatively straightforward. As this is a new program it is very likely that DEA guidance will change over time and we will keep you informed as we learn new information.

Reporting of suspicious orders by practitioner registrants and creation of the database by DEA was required when Congress passed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) last year.

The AVMA conducted a call with DEA headquarters on Tuesday, October 29, 2019 with Sarah Boblenz, the DEA Acting Section Chief, Policy Section, and Lynnette Wingert, Staff Coordinator, Pharmaceuticals Investigation Unit. Here is what we learned:

- The reporting requirement applies to all DEA registrants, including veterinarians. This is why veterinarians with DEA registrations have been receiving communication from the DEA on the SUPPORT Act.
- The circumstances under which it will impact veterinarians should be extremely limited, but the Act does apply to them.
- All DEA registrants, including veterinarians, are required to design and operate a system to identify suspicious orders for the registrant and to report suspicious orders to the DEA. The DEA advised that the plan should be in writing and could be requested during an inspection.
 - Suspicious orders are defined as including requests for controlled substances of unusual size, deviating substantially from a normal pattern, and orders of unusual frequency.
 - The DEA also said the definition is not inclusive and a veterinarian should report anytime there is something that makes the veterinarian suspicious.
 - The AVMA has developed the attached template for consideration by veterinary registrants when developing a plan. It is intended only to be a resource.
- The reporting requirement applies anytime a registrant, including a veterinarian, is requested to distribute/provide a controlled substance to another registrant under circumstances identified by the registrant as suspicious. The example provided by DEA was where a veterinarian at one clinic asks to obtain a controlled substance from another veterinarian at a different clinic, such as seeking to obtain ketamine from a nearby clinic due to low inventory. A veterinarian who receives a request to provide a controlled substance to another practitioner must be aware of the requirement to report the 'order' if the circumstances raise any suspicion to believe that the controlled substance will go for an illegal or diversionary purpose.
- The reporting requirement and SORS Online database are solely for reporting transfers of a controlled substance from one DEA registrant to another DEA registrant that seem suspicious. Veterinarians are not to report to the SORS Online reporting system anything related to the

administration, prescribing, or dispensing of controlled substances that occur in the ordinary course of veterinary practice. The SORS Online database is also not to be used for reporting suspicious or drug-seeking behavior of clients.

- If the circumstances of a request to transfer a controlled substance to another registrant do not raise suspicion, there is no requirement to report the transaction.
- If a veterinarian believes a request from another practitioner is suspicious, the veterinarian should not supply the controlled substance. The veterinarian should register for the program on the DEA website and report the order to the electronic database (SORS Online). A veterinarian only needs to register for the database at the time of the need to file a report of a suspicious order.
- The DEA will be promulgating rules that will be published in the Federal Register. AVMA will review the rules and respond as appropriate.

SYSTEM TO IDENTIFY SUSPICIOUS ORDERS OF CONTROLLED SUBSTANCES TO PREVENT DRUG DIVERSION

This system is designed to comply with the SUPPORT ACT (PL 115-271) and is applicable to all requests to transfer controlled substances to another Drug Enforcement Administration (DEA) registrant outside [Practice Name / Location]. It does not apply to the administration, prescribing, or dispensing of controlled substances in the ordinary course of veterinary practice.

All requests for orders or transfers of controlled substances by another DEA registrant must be explicitly approved by [Veterinarian/DEA registrant under whose DEA registration the controlled drug inventory is maintained] and recorded in writing in the controlled substance records. For any transfers, the written record will show:

- The date of the transaction.
- The name, strength, dosage form, and quantity of the controlled substance.
- The DEA registrant recipient's name, address, and registration number.

Any suspicious order / request for transfer will not be fulfilled and will be reported to the centralized database established by the DEA, Suspicious Orders Report System (SORS Online) <https://apps2.deadiversion.usdoj.gov/arcos-online/spring/login>. There is no need to report to SORS Online an order / request for transfer that is not suspicious.

An order will be considered 'suspicious' if it is—

- 1) an order of a controlled substance of unusual size;
- 2) an order of a controlled substance deviating substantially from a normal pattern;
- 3) orders of controlled substances of unusual frequency; or
- 4) any other request that seems unusual or causes concern.

Signed/Dated

Notes:

- This is a template to consider as a DEA registrant designs a system to identify suspicious orders as required by federal law. The Drug Enforcement Administration advises that the system should be in writing and available during an inspection. Other formats may satisfy the requirement.
- We suggest that the person designated to approve all requests for controlled substance 'orders' [i.e. transfers to another registrant] be the person whose DEA registration is utilized for ordering and maintaining the controlled drug inventory for the practice / location.
- To demonstrate compliance with the federal law, we suggest that each person in the practice with access to controlled drug inventory acknowledge the system by signing the document. This could be done by having them sign individual lines on one copy of the document, or by signing a separate copy of the document.

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