

1 Rule 10A NCAC 26E .0406 is proposed for amendment via permanent procedures as follows.

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3 **10A NCAC 26E .0406 DISPOSAL OF UNUSED CONTROLLED SUBSTANCES FROM NURSING**
4 **HOME**

5 A pharmacy that has dispensed controlled~~Controlled~~ substances dispensed for inpatient administration to individuals
6 residing in to a licensed nursing home shall be responsible for either returning unused controlled substances to its
7 stock, or disposing of and destroying any unused controlled substances in accordance with 21 CFR 1317.05(a) or
8 (c), and other applicable federal regulations governing U.S. Drug Enforcement Administration (DEA) registrant
9 collection, disposal, and destruction of unused controlled substances in licensed nursing homes, which for any
10 reason are unused shall be returned to the pharmacy from which they were received. The pharmacist who receives
11 these controlled substances shall return them to his stock or destroy them in accordance with the procedure outlined
12 by the director and The pharmacy shall keep a record of this~~the~~ disposal and destruction of unused controlled
13 substances available for a minimum of two years. This record of disposal and destruction shall be kept on the
14 Division of Mental Health, Developmental Disabilities, and Substance Use Services (Division) form entitled
15 "Controlled Substances Destruction Record Nursing Homes." "Record of Controlled Substances Destroyed Pursuant
16 to Rule 10A NCAC 26E .0406". This form is available upon request at Drug Control Unit 3008 Mail Service Center
17 Raleigh, NC 27699-3008 or nccsareg@dhhs.nc.gov. Controlled substances returned to stock must be in a
18 hermetically sealed container or in an otherwise a pure uncontaminated condition and be identifiable. A pharmacy
19 may outsource destruction of the unused controlled substances to a reverse distributor in accordance with 21 CFR
20 1317.05(a)(2), provided the pharmacy must first verify the reverse distributor is registered with the DEA as a reverse
21 distributor and maintains compliance with all applicable federal and State laws and regulations governing reverse
22 distributors and destruction of unused controlled substances per 21 CFR 1317.15. Pharmacies that are authorized by
23 the DEA as collectors may install, manage and maintain collection receptacles at nursing homes for the purpose of
24 collection, disposal and destruction of unused controlled substances from nursing homes, in accordance with 21
25 CFR 1317.05(c), 21 CFR 1317.40 other applicable federal regulations governing the use of collection receptacles by
26 authorized pharmacy collectors in nursing homes. Compliance with this Rule is subject to audit by the Division
27 Director or their designated representative.

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29 *History Note: Authority G.S. 90-100; ~~143B-210(9);~~ 143B-147;*

30 *Eff. June 30, 1978;*

31 *Amended Eff. September 15, 1980; May 15, 1979;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
33 *~~2016-2016;~~*

34 *Emergency Amendment Eff. September 30, 2024-2024;*

35 *Temporary Amendment Eff. January 2, 2025;*

36 *Amended Eff. _____.*