

# AMERICAN ACADEMY OF PAIN MANAGEMENT

# Prescribing Issue

## Proper Disposal of Medications

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Physicians frequently inquire about proper disposal of drugs, including controlled substances. There are two types of medications of which physicians may need to dispose—drugs that belonged to a patient and drugs or samples in the inventory of the physician.

Patient Medications: Physicians sometimes acquire drugs that belong to a patient either because the patient wanted to give them to someone else (didn't work, allergic, patient died, etc.) or the physician asked that they be brought to the office (to verify the count, to substantiate the need for new prescription, etc.). These drugs need to be destroyed and CANNOT legally be dispensed to another patient.

If the drug is a controlled substance, the medicine should be destroyed in the presence of the patient or legal guardian. A controlled substance that has been dispensed to a patient may only be possessed by that patient—anyone else is in “illegal possession,” which is a criminal offense. Documenting the disposal with a document can protect the physician from allegations of drug diversion. This document should include the patient's name stating that they voluntarily surrendered the medication(s) for disposal. It should include the name, strength and quantity of the drug with the patient/guardian signature and date. A statement giving the method of destruction and date should be included. This form should be witnessed with the signature of a licensed person and filed in the patient's record.

If the medication is not a controlled substance, possession by someone other than the patient is not a legal problem but similar documentation of the receipt and destruction is still recommended. This prevents the patient or family members from alleging that the physician is profiting from the patient's medication.

Physician's Drugs or Samples: Physicians frequently have samples or stock drugs that expire and need to be disposed of. Physicians, hospitals, clinics or pharmacies are NOT permitted to dispose of drugs by flushing (DEA and EPA regulation of businesses). Besides the legal issues, there are also the liabilities involved if a person obtains the drug from your trash and then has an adverse reaction or other type of injury. This scenario is not farfetched. There have been several instances in Kentucky of people retrieving drugs from dumpsters and landfills. Therefore, drugs need to be delivered to or picked up by a hazardous waste disposal company. The following methods of disposal may be used:

Patient Owned Drugs: Patients may dispose of their own medications in any way they choose. However, if this occurs in the physician's office, the drugs should be rendered unusable first. The best method for pills is to dissolve in hot water and flush down the toilet. Liquids and injectables can be flushed directly.



Physician Owned Drugs: Physicians who have drugs or samples may dispose of them by utilizing a disposal company. A list of companies who can dispose of controlled substances and non-controlled substances may be obtained at [http://publichealth.state.ky.us/drug\\_control.htm](http://publichealth.state.ky.us/drug_control.htm). If only non-controlled are involved, you may wish to talk to your current hazardous waste contractor. They may be able to take care of drugs with other items at minimal cost.

