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January 12, 2011

Joseph T. Rannazzisi  
Deputy Assistant Administrator  
Office of Drug Diversion Control  
Drug Enforcement Administration  
Attention: DEA Federal Register Representative/ODL  
8701 Morrisette Drive  
Springfield, VA 22152

Submitted electronically to <http://www.regulations.gov>

Re: Procedures for the Surrender of Unwanted Controlled Substances by Ultimate Users  
Docket No. DEA-316

Dear Mr. Rannazzisi:

The American Nurses Association (ANA) welcomes the opportunity to offer comments on Procedures for the Surrender of Unwanted Controlled Substances by Ultimate Users.

The ANA is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses, the single largest group of healthcare professionals in the United States. ANA represents registered nurses in all roles and practice settings, through constituent member nurses associations and organizational affiliates. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and advocating before Congress and regulatory agencies on health care issues affecting nurses and the public.

Nurses have an interest in any proposed procedures to surrender controlled substances since nurses handle and dispose of controlled substances on a regular basis as part of their professional responsibilities. Nurses utilize information about proper controlled substance disposal in a safe, legal, secure, and environmentally-responsible manner to educate their patients, the public, and those they supervise and to whom they delegate medication administration duties. Having procedures in place to direct patients, nurses, and the general public's unwanted controlled substance disposal will be beneficial in helping to decrease drug diversion, accidental poisonings, drug theft, and reducing the practice of drug flushing, which pollutes waterways. ANA is actively involved in forming public policy that affects human health and patient advocacy, and recognizes that an environment free from drug contamination and diversion is a requirement for ensuring and maintaining the health of patients, families, and communities.

### **Controlled Substance Disposal Program Solutions**

The public requires streamlined, realistic, and user-friendly solutions for disposal of controlled substances. Solution options include fixed drug repositories in multiple secure locations, drug-mail back programs, drug take-back events, and specialized household hazardous waste drop-offs at landfills.

Fixed drug repositories, located strategically for convenience, are a first step. Secure repositories either in or around the immediate environs of local and/or state police departments would be needed for safety. Severe penalties, including criminal prosecution, should be meted out for any tampering or theft of these containers. For the public to utilize these containers effectively, they must be well marked, advertised, and convenient.

Many Americans receive their prescribed medications through the mail. Mail-back programs for controlled substances could be an option if specifically marked envelopes were utilized. Controlled substances would need to be mailed back through the post office only, not citizens' personal mailboxes, to prevent theft and diversion.

The Drug Enforcement Administration (DEA) reported great success at their first Nationwide Prescription Drug Take-back Day on September 25, 2010. ANA's constituent member association, Delaware Nurses Association, has coordinated several successful drug take-back events in Delaware as well. These types of events could occur on a more regular basis on a local, state, and/or national level.

Many county landfills offer specific household hazardous waste disposal programs to bring in specialized types of waste not generally allowed for routine disposal at the landfill. The household hazardous waste specifications could be broadened to provide for controlled substance disposal as well.

### **Controlled Substance Disposal Program Requirements**

For any program to be effective, it needs to be well-publicized. Public service announcements over the radio and television, a strong web presence, social media involvement, and posters in health care facilities should assist in alerting the public about controlled substance return programs. Awareness campaigns highlighting the dangers (theft, drug abuse, drug addiction, and accidental poisoning) of keeping unused controlled substances in the home should be increased.

Every program must involve personnel that the Attorney General has authorized to accept the unused controlled substances as outlined in the "Secure and Responsible Drug Disposal Act of 2010." Personnel must safeguard the right to privacy and confidentiality of the person receiving the drug, thereby preventing any violation of the Health Insurance Portability and Accountability Act. Special care must be taken with labels that include the patient's name and other information. The personnel must be specially trained to handle the medications received to prevent any harm to themselves and the environment. The designated collecting personnel need to be prepared for the return of all types of medications, including illegal, antineoplastic, and hazardous drugs. Amnesty from prosecution, similar to gun amnesty programs, should be offered to those handing in controlled substances. All medication collected from any program should be disposed of in a legal and environmentally-responsible manner.

**Conclusion**

ANA applauds the DEA on taking this important step in ensuring safe, secure, convenient controlled substance disposal. If we can be of further assistance, or if you have any questions or comments, please feel free to contact Holly Carpenter, BSN, RN, Senior Staff Specialist, Center for Occupational and Environmental Health at [holly.carpenter@ana.org](mailto:holly.carpenter@ana.org) or 301-628-5105.

Thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Marla J. Weston". The signature is written in a cursive, flowing style.

Marla J. Weston, PhD, RN  
Chief Executive Officer  
American Nurses Association

Cc: Karen A. Daley PhD, MPH, RN, FAAN