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October 25, 2022

The MSBML and the MSBOP have been in discussions with the DEA and the MS Department of Health regarding surgery centers. Any surgery center that is utilizing a practitioner registration as the DEA # to procure controlled substances for multiple providers **MUST** be registered as a Hospital/Clinic to continue this practice. The DEA has graciously agreed to delay associated inspections and enforcement of violations until April 1, 2023. Per the DEA, each violation would be associated with a minimum fine of \$16,864. An Assistant US Attorney would set the actual fine and prosecute. Given the negotiated delay in enforcement, we strongly advise that you begin the process described below as soon as possible.

In addition, any outpatient location that is procuring controlled substances under one provider's credentials for use by other providers will need to either change that process by having separate, designated stocks of controlled substances for each provider obtained with their own DEA registration or transition to a hospital/clinic designation with the DEA. Of note, the DEA will only issue hospital/clinic permits if there is an underlying state-based pharmacy permit.

Below is a description of the steps required to transition to the hospital/clinic designation:

- Obtain a pharmacy permit from the MS Board of Pharmacy. There are two options:
  - Outpatient Surgery Centers/Clinic Pharmacy Services 13.3
    - This permit should be used when a pharmacist is integrated into the daily workflows of the facility including ordering and stocking of medications for administration and clinical support.
  - Outpatient Surgery Centers/Clinic Consultant Permits 13.4
    - Requires there to be at least a monthly arrangement with a pharmacist to review processes and ensure appropriate reconciliation of controlled substances.

- Once the pharmacy permit is obtained, follow the attached DEA guidance for transitioning to a facility-based DEA registration. The attached process will require transfer of controlled substances to the newly issued DEA registration. While this process is uncommon for providers, it is a common practice in pharmacy. If pharmacy resources are available to help, it is highly suggested to involve them in this process.

Surgery centers that involve only a single provider where the provider's registration is based at that location should not be affected by this guidance.

Please do not hesitate to contact the appropriate board's compliance department for any questions.

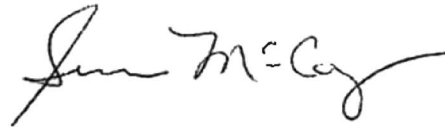
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Thank you,



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