



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Mental Health, Developmental
Disabilities and Substance Use Services

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK T. BENTON • Chief Deputy Secretary for Health
KELLY CROSBIE • Director

September 25, 2024

We are writing to let you know that an emergency amendment to Rule 10A NCAC 26E .0406 governing disposal of unused controlled substances from nursing homes, will become effective September 25th, 2024. The amended rule (set forth below for easy reference), clarifies that unused controlled substances from nursing homes may be disposed of by outsourcing the destruction to a reverse distributor in accordance with federal regulations.

10A NCAC 26E .0406 DISPOSAL OF UNUSED CONTROLLED SUBSTANCES FROM NURSING HOME *(Effective September 25, 2024)*

Controlled substances dispensed for inpatient administration to individuals residing in a licensed nursing home which for any reason are unused shall be returned to the pharmacy from which they were received. The pharmacist who receives these controlled substances shall return them to their stock or dispose of and destroy them in accordance with 21 CFR 1317.05(a). The pharmacist shall keep a record of the disposal and destruction of unused controlled substances available for a minimum of two years. This record of disposal and destruction shall be kept on the Division form entitled "Record of Ultimate User Controlled Substances Destroyed". Controlled substances returned to stock must be in a hermetically sealed container or in an otherwise pure uncontaminated condition and be identifiable. A pharmacist may outsource destruction of the unused controlled substances to a reverse distributor in accordance with 21 CFR 1317.05(a)(2), provided the pharmacist must first verify the vendor is registered with the DEA as a reverse distributor and maintains compliance with all applicable federal and State laws and regulations governing reverse distributors and destruction of unused controlled substances. Compliance with this rule is subject to audit by the Director or their designated representative.

<http://reports.oah.state.nc.us/ncac.asp>

For more information regarding this amendment, please visit:

<https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-use-services/north-carolina-drug-control-unit/nc-controlled-substances-regulatory-legal-updates>

If you have any questions or concerns, please email nccsareg@dhhs.nc.gov.

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NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE USE SERVICES

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