

**Applies to:** (examples; Faculty, Staff, Students, etc)

Faculty , Staff , Students

**Policy Overview:**

Issued: 02-16-2018

Next Review Date: 05-26-2023

Frequency of Review: Annually

To comply with United States Drug Enforcement Administration (DEA) and Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) requirements for individuals with access to controlled substances the University has established a special controlled substances background check procedure. HR will work with individuals (new hires, transfers, promotions, and duty changes) to ensure background checks and DEA/BNDD licenses are clean prior to access.

Applies to faculty, staff and students who will have/have access to items considered controlled substances according to the United States Drug Enforcement Administration (DEA) and/or Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) or have duties related to administration or control related to controlled substances.

**Definitions:**

<b>Term</b>	<b>Definition</b>
BNDD	Missouri Bureau of Narcotics and Dangerous Drugs (BNDD)
Controlled Substance	Drugs and other substances that are considered controlled substances under the Controlled Substances Act (CSA).
DEA	United States Drug Enforcement Administration (DEA)
Principle Investigator (PI)	Primary Investigator working on research

**Details:**

To comply with United States Drug Enforcement Administration (DEA) and Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) requirements for individuals with access to controlled substances the University has established a special controlled substances background check procedure.

United States Drug Enforcement Administration Requirement:

*“The registrant shall not employ, as an agent or employee who has access to controlled substances, any person who has been convicted of a felony offense relating to controlled substances or who, at any time, had an application for registration with the DEA denied, had a DEA registration revoked or has surrendered a DEA registration for cause. For purposes of this subsection, the term “for cause” means surrender in lieu of, or as a consequence of, any federal or state administrative, civil or criminal action resulting from an investigation of the individual’s handling of controlled substances.”*

Missouri Bureau of Narcotics and Dangerous Drugs Requirement:

*“The applicant must answer yes or no to whether the applicant, or any officer of a corporate applicant or individual employed by any applicant having access to controlled substances, has ever entered a plea of guilty, no contest, nolo contendere, or otherwise been convicted of any violation of any state or federal law related to the possession, manufacture, distribution, dispensing or prescribing of controlled substances. If the applicant currently holds or has previously held a state or federal controlled substance registration or state professional license or registration, the applicant must answer yes or no to whether their license, registration or application or renewal thereof has ever been surrendered, revoked, suspended, denied, restricted or placed on probation and if any such action is pending.”*

The policy includes measures to:

1. Prevent unauthorized access to any employee who has a federal or state conviction related to a controlled substance.
2. Ensure all required license(s) and registration(s) are tracked and adverse actions fully vetted as appropriate.
  - a. BNDD Registration— UHSP Registration #
  - b. DEA Registration – UHSP Registration #

3. Ensure required institutional and individual license and registration data are tracked in Operations, the unit responsible for environmental health and safety, security and access at the University.

### **Acknowledgement and Controls**

A completed Controlled Substance Access Acknowledgement Form, and the appropriate approvals, are required to gain access to controlled substances. Access includes receipt, transport, storage, distribution, disposal, and use of controlled substances for legitimate purposes such as research.

Access should be restricted to the PI and his/her employees who need clearance to perform specific job functions within the assigned lab, and or duties to receive, transport, store, retrieve, distribute, or dispose the controlled substances. For individuals working on research, the PI will determine the members of his/her lab, including students, who will need access.

Individuals shall not access controlled substances until they have received approval via Human Resources and have received training regarding safety and security from the PI (or designee) or Operations/Environmental Health & Safety, as appropriate. This form needs to be completed for all new hires, transfers, promotions, or duty changes that involve access to controlled substances.

An acknowledgement form containing specific questions (noted below) must be completed and submitted to Human Resources to ensure access can be granted. The form asks:

- Have you ever entered a plea of guilty, no contest, nolo contendere, or otherwise been convicted of any violation of any state or federal law relating to a controlled substances?
- Have you ever had a federal or state controlled substance registration or a professional license denied, restricted, revoked or surrendered for cause or otherwise placed on probation?

Incomplete or illegible forms may cause delay in approval process. Human Resources will request the background check and evaluate the results to determine if the background check meets the DEA and BNDD requirements for access. Human Resources will then communicate with Operations/Environmental Health & Safety and the PI regarding the individual meeting background check standard.

### **Procedures:**

#### **Process for Existing PI and Individuals Needing Access to Controlled Substances**

1. HR receives the completed Controlled Substance Access Request form from PI/Vice President Operations noting individuals that will require access. This Form will be kept in the personnel file for employees and tracked in a database.
2. HR conducts Federal and State criminal background check, DEA/BNDD license validation and processes results as appropriate.
  - a. Federal and State criminal background check parameters include the employee's current home address. Generally, this information is accessed through the national criminal databases and state databases such as the Missouri State Highway Patrol Central Criminal Repository (Illinois State Highway Patrol as appropriate).
  - b. Any individuals requesting access to controlled substances will have their BNDD, DEA license and professional license validated.
    - i. DEA validation will take place through the online DEA validation site (<https://apps.deadiversion.usdoj.gov/webforms2/spring/validationLogin?execution=e4s1>)
    - ii. BNDD validation will take place online (<https://webapp01.dhss.mo.gov/mohworxsearch/RegistrantSearch.aspx>). Actions are updated to the national database.
    - iii. Missouri Board of Pharmacy license status will be updated on the Board of Pharmacy's website (<https://pr.mo.gov/pharmacy-licensee-search.asp>)
    - iv. Other licenses may require additional validation.
3. HR will confirm the disposition of the check and archive the results upon conclusion. HR will notify the PI and Vice President, Operations or designated Environmental Health & Safety person of any potential issues.
4. PI notifies Institutional Animal Care and Use Committee (IACUC) of the need to use controlled substances via protocol/ amendment. IACUC notifies Human Resources and Process steps are the same as noted above.

#### **Staffing changes (New = new hires, transfers, promotions, duty changes)**

PI/Vice President Operations must notify Human Resources immediately to complete the background check prior to allowing individuals access to controlled substances.

#### **Annual Review**

- At the beginning of each fiscal year Human Resources will annually review the list of individuals it has listed as needed access to controlled substances with the Vice President, Operations.
- The Vice President, Operations will coordinate with PIs on the list to ensure that the list is current.
- The Vice President, Operations will notify Human Resources of any changes to the list such as employees who no longer need access to controlled substances due to changes in job duties or position

**Responsibilities:**

<b>Position/Office/Department</b>	<b>Responsibility</b>
PI	<ul style="list-style-type: none"> <li>· Ensure lab personnel are properly training regarding the safe usage and secure storage of controlled substances within the lab.</li> <li>· Restrict access to controlled substances by unauthorized individuals.</li> <li>· Maintain an accurate list of approved controlled substances users.</li> <li>· Notify Human Resources of staffing changes as appropriate.</li> </ul>
Individual with access to controlled substances	<ul style="list-style-type: none"> <li>· Notify Human Resources immediately if: <ul style="list-style-type: none"> <li>o he/she is convicted of any drug-related offense, and</li> <li>o his/her state or federal controlled substances registration or state professional license or registration, or application for or renewal of such registration or license, is surrendered, revoked, suspended, denied, restricted, or placed on probation, or if any such action is pending.</li> </ul> </li> </ul>
Vice President, Operations	<ul style="list-style-type: none"> <li>· Annually review list of individuals with access to controlled substances with HR and PIs.</li> <li>· Restrict access to controlled substances for individuals who fail the background check requirement and/or have job duty or position changes no longer requiring access.</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>· Receive acknowledgement form from those requesting access. Store the form in personnel file for employees and track form in a database.</li> <li>· Run background checks on individuals for whom you've received a form.</li> <li>· Communicate results to PI and Vice President, Operations.</li> <li>· Notify PI and Vice President, Operations immediately if an individual granted access to controlled substances reports a conviction to a drug related offense and/or change in DEA/BNDD license such as surrender, revocation, suspension, denial, restriction, probation, or if any such action is pending.</li> <li>· Annually review list of names of individuals with access with the Vice President, Operations; note changes as necessary in database.</li> </ul>

**Resources:**

Controlled Substance Access Acknowledgement Form

**Policy Contacts:**

<b>Name</b>	<b>Contact Information</b>
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