

**Statement of the  
National Community Pharmacists Association**

**Warning: The Growing Danger of  
Prescription Drug Diversion**

**The U.S. House of Representatives  
Committee on Energy and Commerce  
Subcommittee on Commerce, Manufacturing, and  
Trade**

**April 14, 2011  
8:00 a.m.**

Chairman Bono Mack, Vice-Chairman Blackburn, Ranking Member Butterfield and Members of the Subcommittee, the National Community Pharmacists Association (NCPA) appreciates the opportunity to share the community pharmacy perspective regarding issues relating to the dangers of prescription drug diversion. NCPA represents America's community pharmacists, including the owners of more than 23,000 community pharmacies, pharmacy franchises, and chains. Independent pharmacies are often located in rural and underserved areas.

### **Importance of access to effective pain treatments for appropriate patients**

Community pharmacists recognize the importance of addressing the serious problem of prescription drug diversion and abuse. NCPA encourages community pharmacists to commit themselves to supporting national and local efforts to prevent the abuse of both prescription and non-prescription drugs, at the same time recognizing that Congress should not diminish access to effective pain treatments for people who need them.

According to statistics from the Centers for Disease Control and Prevention, pain is a serious and costly public health issue, impacting 76.5 million Americans.<sup>1</sup> Community pharmacists play an integral role in assuring that these patients have timely access to opioids and in the process provide vital counseling to ensure that these medications are not misused, abused or diverted. The fact that nearly 70 percent of prescription drug abusers obtain prescription drugs from the family medicine cabinet or friends should

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<sup>1</sup> National Center for Health Statistics Report: Health, United States, 2006, Special Feature on Pain

serve as a vital reminder that efforts to curb abuse and diversion must be focused on proper disposal of these products.<sup>2</sup>

### **From dispensing to disposal – pharmacists & pharmacies are valuable resources**

NCPA has long supported efforts to properly dispose of unused, unwanted or expired medication through safe, secure and environmentally responsible take-back programs. In 2009, NCPA joined the national effort to find sensible solutions by creating a prescription drug disposal program for our members. Consumers want ongoing, convenient and clear disposal options. Consumer surveys demonstrate that local pharmacies are the most convenient locations where consumers seek to return unused or expired medicines.<sup>3</sup> The NCPA Prescription Disposal Program, Dispose My Meds, highlights the pharmacist's role as a respected and knowledgeable resource on medications. Pharmacies participating in the Dispose My Meds program are not allowed to take back controlled substances. In the past year alone, the Dispose My Meds program has collected well over 25,000 lbs. of unused/expired *non-controlled* medications.

The intent of the *Secure and Responsible Drug Disposal Act of 2010* is to encourage the Attorney General to establish regulations which prevent the diversion of controlled substances, but still “allow public and private entities to develop a variety of methods of collection and disposal of controlled substances...”. NCPA has clearly stated our position to DEA that community pharmacies, as both state and DEA licensed entities,

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<sup>2</sup> <http://oas.samhsa.gov/2k10/230/230PainRelvr2k10.htm>

<sup>3</sup> January 2006 Washington Citizens for Resource Conservation (WCRC) SoundStats® Report

provide a safe and viable outlet for consumers to dispose of unwanted controlled substances, and that those pharmacies who volunteer to participate in take-back programs should be considered by the DEA as appropriate locations to receive unused controlled substances. NCPA is currently surveying the extent and type of medication waste in households, in relation to our disposal program. Last year's survey results showed that a disproportionate percentage of returned medications come from mail order pharmacies, which could be contributing to the problem. Also, programs that automatically ship medications to patient homes that are utilized in some prescription benefit programs may result in intentional or unintentional stockpiling.

Community pharmacists stand ready to assist in efforts to better understand the issues surrounding unused medications and look forward to gathering more robust data if our member's pharmacies become legal outlets to receive unused controlled substances.

### **Illegal internet pharmacies continue to contribute significantly to drug diversion**

Purchasing prescription drugs without a prescription remains a viable option as illegitimate drug distributors continue to host Web sites that will ship drugs to anyone regardless of their need for the drug. Many of these Web sites dispense medications without a valid prescription, as required by the Federal Food, Drug, and Cosmetic Act. Rogue, illegitimate drug trafficking operations are anathemas to legitimate independent community pharmacies. They are hazardous to patient safety and create among both the general public and policymakers undeserved negative impressions of pharmacists and the valuable practice of pharmacy. While not infallible, additional checks and balances are in place when a licensed pharmacist directly provides the patient's

medication to the patient. NCPA supports efforts to control illegal distribution of controlled substances outside of the community pharmacy setting and strongly recommends that increased emphasis and meaningful oversight be placed on these illicit entities.

### **Role of the community pharmacist in efforts to prevent drug diversion**

NCPA supports and plays a primary role in several efforts that serve to decrease prescription drug misuse, abuse and diversion. These efforts include appropriately structured FDA Risk Evaluation and Mitigation Strategies (REMS), prescription drug monitoring programs, and educational programs for our members focused on appropriate pain management. In addition, NCPA members are actively engaged in electronic prescribing, which can help to alleviate some of the problems with drug diversion once systems are in compliance with DEA requirements.

### **In conclusion**

NCPA is committed to working with Members of Congress and state and local law enforcement officials to combat the inappropriate use and diversion of prescription drugs and is committed to working towards sensible solutions. Thank you for your time and for the opportunity for us to share the viewpoints of independent community pharmacy.