

## DEA guidance on EMS Schedule II-V Medications

(Based on email from Justin Wood, DEA Diversion Program Manager Virginia, Maryland, DC dated 7/3/24. Same information shared with DEA supervisors in Virginia. Reference: Title 21 US Code Section 823(k))

### Definitions:

Registered location means a location that appears on the certificate of registration issued to an emergency medical services agency under 21 U.S.C 823(k)(13) or 21 U.S.C.823(g).

Designated location means a location designated by a Registered EMS agency under 21 U.S.C.823(k)(13) paragraph 5.

1. In order to procure and administer Schedule II-V medications, the EMS agency must hold a DEA license as a registered location or be listed as a designated location under a registered location.
2. An EMS agency may hold a single DEA registration in a state instead of requiring registration at each location of the EMS agency (21 U.S.C.823(k)(2)). The EMS agency may then identify designated locations that operate under the registered location.
  - a. Leased space in a hospital could be a designated location of a EMS registered location. The location should be provided to the local DEA office as a “designated” location for the main EMS DEA registrant.
3. A registered EMS agency may deliver Schedule II-V controlled substances from a registered location of the agency to an unregistered location of the agency only if the agency designates the unregistered location for such delivery (21 U.S.C. 823(k)(5)).
4. When using the option of a designated location, the EMS agency must notify the DEA of the location of designated location(s) at least 30 days prior to delivery of Schedule II-V controlled substances to the designated location.
5. Storage of Schedule II-V controlled substances (21 U.S.C.823(k)(6)). A registered EMS agency may store Schedule II-V controlled substances
  - a. At a registered location of the agency
  - b. At any designated location of the agency or in an emergency services vehicle situated at a registered or designated location of the agency, or
  - c. In an emergency medical services vehicle used by the agency that is
    - i. Traveling from, ore returning to, a registered or designated location of the agency in the course of responding to an emergency, or
    - ii. Otherwise actively in use by the agency under circumstances that provide for security of the controlled substances consistent with the requirements established by the regulations of the Attorney General
6. EMS agencies should notify their local DEA office of designated locations under the primary registered location
7. A DEA 222 or CSOS is only used to transfer Schedule II-V between DEA registrants. To transfer Schedule II-V between a registered location and one of their designated locations, a DEA 222/CSOS is not utilized, but a record of transfer with all required information should be maintained (reference Virginia Board of Pharmacy emergency regulation for recordkeeping requirements)
8. While wholesale distributors may require CSOS for the purchase of Schedule II-V, Form 222 are still allowable under federal law.