

F602 Freedom from Misappropriation and Exploitation



§483.12 "Each resident has the right to be free from abuse, neglect, misappropriation of resident property and exploitation... [Another example of] misappropriation of resident property is the diversion of a resident's medication(s), including, but not limited to, controlled substances for staff use or personal gain."

Opioid Stewardship Implication: Drug diversion constitutes misappropriation of resident property. As controlled substances, opioids are particularly prone to be targeted for diversion, and facilities retain responsibility to safeguard opioids as the property of residents for whom they are prescribed.



What's Required

Examples of misappropriation of resident property include:

- Identity theft
- Theft of money
- Unauthorized or coerced purchases from a resident's credit card or funds
- Persuading a resident to provide a gift or monetary assistance to staff
- Diversion of a resident's medication(s) including controlled substances

Facilities should have policies for chain-of-custody of controlled substance medication(s), addressing:

- Medication safeguarding and access
- Monitoring
- Administration
- Documentation
- Reconciliation
- Destruction

Controlled medication stock should be recorded in sufficient detail to reconcile and account for all controlled drugs received, administered, and disposed of.

Resident's clinical record should provide an accurate documentation of the administration and outcomes related to controlled medications.

If surveyor determines medication has been diverted, the state agency should make referrals to federal, state, and local agencies as appropriate per state law (e.g., DEA, local law enforcement, state boards of nursing, pharmacy, nursing home administrators, and other agencies as required by state law).



Steps to Facility Compliance

- Develop preemployment procedures to minimize risk of staff diversion (F606)
- Develop, implement, and educate staff on policies and procedures that prohibit exploitation and misappropriation of resident property (F607), including opioids
- Respond to alleged violations of misappropriation of resident property and/or exploitation by protecting potential victims/witnesses, reporting, investigating and acting upon allegations (F609, F610)
- Ensure medication storage and access is secure, in line with policies and procedures, to decrease opportunities for theft or diversion



How PharMerica Can Help

- PharMerica pharmacists can assist the administrator and/or other nursing care center representatives in setting standards and developing, implementing, and educating on policies and procedures for the safe and secure storage of medications, including opioids as controlled substances, as part of the chain of custody.
- PharMerica pharmacists can perform random audits by reviewing and comparing select controlled substance records versus medication cart stock, to ensure practices align to adopted policies.