Controlled Substance Diversion Prevention
Summary of Minnesota Reporting Requirements and Guidelines

Patient Impact

Did patient death or disability result?  
- Yes: Are you a facility subject to Minnesota’s Adverse Event Reporting law?  
  - Yes: Report to MDH  
  - No: Return to internal investigation
- No: Was a minor neglected or abused?  
  - Yes: Report to welfare agency and police  
  - No: Was a vulnerable adult maltreated or sustained physical injury?  
    - Yes: Report to Common Entry Point within 24 hours  
    - No: Then

If yes to any: Return to internal investigation

DEA/Pharmacy Obligations

Theft

Are you a DEA registrant?  
- Yes: Report to DEA within 1 day; complete Form 106  
- No: Determine if it is a “theft” or “loss” according to DEA standards
  - Loss
    - Is it a “significant loss”?  
      - Yes: Report to DEA within 1 day; complete Form 106  
      - No: Return to internal investigation
    - Theft: Report to local law enforcement as appropriate
  - Theft: Report to local law enforcement as appropriate

Loss

Is it a “significant loss”?  
- Yes: Return to internal investigation  
- No: Determine if it is a “theft” or “loss” according to DEA standards

Licensed Professionals

Were the theft or loss caused by an identified licensed professional (doctor, nurse, pharmacist, etc.)?  
- Yes: Return to internal investigation
- No: Was you take disciplinary action against a licensed professional?  
  - Yes: Report to licensing board
- No: Then

Long-Term Care Facility Requirements

Are you a long-term care facility or covered Intermediate Care Facility?  
- Yes: Is there a reasonable suspicion of a crime?  
  - Yes: Report to local law enforcement and Office of Health Facilities Complaints (OHFC) in specified time frame  
  - No: Return to internal investigation
- No: Return to internal investigation

1Medicare State Operations Manual § 482.25(b)(7)  
2Drug Diversion Prevention Roadmap (March 2012)  
3Minnesota Statutes Annotated § 144.7065  
4MSA § 626.556  
5MSA § 626.557  
621 CFR § 1301.74(c)  
721 CFR § 1301.76(b); 68 FR 40577-8 (July 8, 2003)  
8Minnesota Administrative Code § 6800.4800  
942 USCA § 1320B-25  
10MSA § 214.33  
11MSA § 148.263 (for nurses); MSA § 147.111 (for physicians)