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Client Alert: Drug Enforcement Administration Updates Form 222

INDUSTRY SECTOR

Health Care

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In 2019, the Drug Enforcement Administration ("DEA") amended its regulations to implement a single sheet format to its Form 222 replacing the triplicate form currently used. Form 222 is used by DEA registrants to order Schedule I and Schedule II controlled substances. The new form is set to replace the former in October 2021; two years after the rule became effective on October 10, 2019. What this means for DEA registrants is that after October 2021, they will need to send in the existing triplicate copies of the DEA Form 222 to the Registration Section at the DEA Headquarters and use the new single sheet of a paper DEA Form 222 going forward.

The amended regulations state that the registrant will need to keep a copy of the new paper DEA Form 222 "readily retrievable" from other records, though the registrant has the option of the copy being on paper or stored electronically. A few additional changes include an update to the Power of Attorney ("POA") letter, which may now be authorized by (1) the registrant, if an individual; (2) a partner of the registrant, if a partnership; or (3) an officer of the registrant, if a corporation, corporate division, association, a trust, or other entity. Prior to the change, only the person identified on the initial DEA application and subsequent renewals was permitted to authorize a POA letter. Generally, a registrant (such as a pharmacy owner) would allow an employee (such as a pharmacy manager) to sign and electronically initial DEA application and subsequent renewals making only that person the "registrant." These and other updates to Form 222 set forth changes that a DEA registrant would benefit from understanding in their practice.

Please contact Jessica West or Danielle Paas for more information or with questions.

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