



COMMISSIONER
Adelaide Horn

March 6, 2007

To: Nursing Facilities (NFs)

Subject: **Provider Letter #06-49** – Drug Destruction Records

The purpose of this letter is to provide guidance to NFs regarding the retention of drug destruction records.

The Nursing Facility Requirements for Licensure and Medicaid Certification at 40 Texas Administrative Code (TAC) §19.1504(g) mandate that medications of deceased residents, medications that have passed the expiration date, and medications that have been discontinued be disposed of according to federal and state laws or rules. Although facilities are expected to maintain documentation as evidence of compliance with this rule, the Department of Aging and Disability Services (DADS) does not prescribe a specific form or require that these forms be submitted to DADS. Since a pharmacist usually destroys these drugs, the pharmacist will perform drug destruction according to the rules of the Texas State Board of Pharmacy (TSBP) in 22 TAC §303.1. The pharmacist may use the preprinted "Prescription Drug Inventory" from the Texas Pharmacy Association or any other form to document the required information. The consultant pharmacist at the nursing facility must maintain these inventories and records for two years from the date of destruction according to 22 TAC §303.1(a)(3). No matter which form is used, please disregard instructions to mail or fax to DADS.

If you have questions about this memorandum, please contact a Nursing Facility policy specialist with the Policy, Rules, and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

VLD:ca:mdv:vs