

The Drug Enforcement Administration

ADA FAQ ON REGISTERING WITH THE DEA

Why must dentists register with the U.S. Drug Enforcement Administration (DEA)?

Registering with the DEA allows dentists to write patient prescriptions for various controlled substances, including narcotic analgesics, such as hydrocodone and oxycodone, as well as for hydrocodone combination products (HCPs) which were recently reclassified as Schedule II substances subject to tighter restrictions to help reduce diversion, misuse, and abuse of prescription painkillers.

The Controlled Substances Act (CSA) requires the DEA to maintain a “closed system” of distribution for controlled substances by registering any person or agency that manufactures, distributes, dispenses, imports, exports, or conducts research or chemical analysis with controlled substance and listed chemicals. The closed system is designed to restrict illegal access to controlled substances through various safeguards, including the requirement that registrants have appropriate measures in place to prevent the diversion of these harmful substances.

What does the DEA do with the monies collected through registration fees?

Registration fees provide funding for all costs associated with running the DEA’s Diversion Control Program (DCP) which prevents, detects and investigates the diversion of controlled narcotics from legitimate sources while ensuring that an adequate and uninterrupted supply of those substances is available for legitimate medical, commercial and scientific needs. The DCP has been funded through DEA registration fees since 1993. Additionally, before funding the DCP, the DEA is required to deposit \$15 million of registration fee revenues into the general fund of the Department of the Treasury.

How does the DEA decide who pays how much?

The DEA uses what it refers to as a “weighted ratio” method to set registration fees for different business activities. There is no correlation between registration fees and revenue or the amount of income generated as a result of having a DEA registration.

Since federal statutes require the DEA to fully recover the cost to run the DCP, the agency must determine the costs of operating the program in advance of any actual expenditures and in advance of making its deposit into the Treasury’s general fund.

Dentists, and other practitioners who prescribe controlled substances, pay \$731 every three years, or about \$244 annually. Manufacturers pay \$3,047 per year and distributors and reverse distributors pay \$1,523 annually.

Why are healthcare providers who prescribe responsibly required to pay for the DEA’s diversion efforts? Why doesn’t the agency generate the revenue for this program by fining over-prescribers and those who use controlled substances illegally?

The Controlled Substances Act requires the DEA to assess registration fees that will ensure that it can fund the full costs of the Diversion Control Program. Those who violate the law, such as illegal users and over-prescribers, can be required to provide restitution to the DCP and may also be subject to civil and criminal penalties. Monies from violators also helps to cover the cost.

Maybe instead of renewing my prescription, I’ll only write prescriptions for drugs that don’t require a DEA number. Can I refer patients needing prescriptions for controlled substances to another dentist or a physician?

While the registration fee might be a frustrating cost of doing business, as a healthcare professional, your first responsibility is to your patients. The ability to prescribe certain narcotics allows you to help patients manage pain. Referring them to other providers for prescriptions or prescribing less effective medications would likely be inconvenient, more costly to your patient and cause some patients to suffer unnecessarily. Also, in some cases, the registration fee may be a deductible business expense, so check with your tax preparer to see if applicable tax codes could lessen the tax liability of the increase in the registration fee.

I wasn't aware of the increase in the registration fee until it was time to for me to renew. What did the ADA do to prevent this and to warn members about the increase?

The ADA opposed the registration fee and provided official comments objecting to fee increases in both 2006 and 2011. The ADA also objected to the 'weighted-ratio' methodology used to calculate fees because it places an unfair financial burden on provider registrants compared to drug manufacturers and distributors. Information about the DEA's announcement of the registration fees may be found at <http://www.ada.org/en/publications/ada-news/2012-archive/march/dea-sets-new-registration-fees>.

Who do I contact if I have questions about the registration fees?

Contact the DEA Registration Service Center at 1-800-882-9539 from 8:30 a.m. – 6:00 p.m. EST or send an email to DEA.Registration.Help@usdoj.gov. Be sure to include your DEA Registration number in your email.