

NYCPS New York City Pharmacists Society

An Affiliate of the Pharmacists Society of the State of New York

NEW YORK CITY PHARMACISTS SOCIETY

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PRESIDENT'S MESSAGE



I want to wish everyone a Happy and a Healthy New Year!!!

Instead of recapping 2020 I want to talk about what we can anticipate this coming year. There are so many things to look forward to like Covid-19 testing that pharmacies already started, COVID-19 vaccines that we will be providing and a lot more opportunities that will be coming our way as we, community

pharmacists, get recognized as an essential healthcare partner in the community setting.

We also had a very big win late last year with the Supreme Court's unanimous decision overturning the Eighth Circuit's decision that a 2015 law banning pharmacy benefit managers from swindling local pharmacies defying the Employee Retirement Income Security Act (ERISA). If you remember that the Governor Cuomo's veto was partly based on the ERISA ruling and now

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How To Survive A DEA Inspection Series: \$15,080 Per Civil Fine®



Well, here it is as we approach 2021 and we wish you, your family, and your staff lots of health, happiness, and wealth in

2021! We also wish your pharmacy checkbook, lots of health!

My article is about your pharmacy and your inventory of controlled substances. If you do not want to keep a perpetual inventory of your controlled substances because you trust your pharmacists and staff, I can sell you

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ATTENTION PHARMACISTS:

IF YOU ARE A PHARMACIST AND HAVE BEEN IN CONTACT WITH A COVID-19 PATIENT, YOU CAN OBTAIN PRIORITY TESTING BY CALLING THE NYS DEPARTMENT OF HEALTH COVID-19 HOTLINE AT 888-364-3065 AND TELL THEM YOU ARE A PHARMACIST - AND SINCE YOU ARE A HEALTH CARE WORKER WHO HAS BEEN EXPOSED TO AN ACTIVE COVID-19 PATIENT, YOU WILL BE GIVEN A CALL BACK FOR PRIORITY TESTING WITHIN 24-48 HOURS.

MODERN COMPOUNDING PERSPECTIVES

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AN OPEN LETTER TO GOV. ANDREW CUOMO

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IF YOU ARE DELINQUENT YOU WILL SEE A MESSAGE STATING SO, RIGHT ABOVE YOUR NAME. PLEASE CONTACT PSSNY AT 800.632.8822 AND TAKE CARE OF YOUR DUES. WE NEED YOU AND YOU NEED PSSNY/NYCPS.

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DEA

From page 1

the Brooklyn Bridge for a simple \$1.00 and I'm sure you know what I'm saying. Last year, Attorney Jim Schiffer and I covered more employee theft than any other year. Who were the thieves? Family members, husbands, wives, their children, pharmacists, pharmacy technicians, cashiers, etc. You get the point?

We are not writing this to scare you, but to tell you that you need to maintain a perpetual inventory for all controlled substances. All opioids should be accounted for whether on paper or electronic. Now you say that the DEA regulations says that "Schedule II must be exact while Schedules III to V can be estimated provided that the containers hold no more than 1,000 dosage units". So true! The DEA regulations under Title 21, Code of Federal Regulations Section 1304 says, "A registrant must maintain a complete and accurate inventory of their controlled substances". The DEA civil settlements also say that, "the registrant failed to maintain a complete and accurate inventory of their controlled substances to prevent the diversion of such controlled substances into the illicit market". The DEA Diversion Offices in the State of New York are competing for the greatest civil fine in a case. Look, I know you care, but your constant saying that "you have no time to keep a complete and accurate perpetual inventory" should never be a vocabulary coming out of your mouth.

So, you want to know what to do? Maintain a complete

and accurate perpetual inventory. How you ask? Here is my suggestion. If you have one supplier, the perpetual inventory can be done for all controlled substances. You need to contact your prescription software provider who can provide you the service. In most cases, your software update will cause you no additional expense. Yes! It is free!

Now, let us talk money! Like we said \$15,080 per record-keeping violation and \$64,640 per prescription violation. If you have the unfortunate moment to have DEA come into your pharmacy, you need to understand that they are not there to help you, but to look for violations of federal laws and regulations with regards to the handling of your controlled substances. Their number one goal is to determine diversion.

To determine that controlled substances have not been diverted into the illicit black market, DEA personnel will do an audit of your controlled substances. Lately, they have been auditing Schedules III to V controlled substances such as APAP with Codeine, Clonazepam, Lorazepam, Tramadol, etc. If you have such audit, you need to immediately call your corporate counsel or attorney.

My question to you as the owner of your pharmacy, do you have so much money that you want to give it to the government?

~ Carlos M. Aquino

*Compliance Consultant & Founder
PharmaDiversion LLC™*

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NYCPS President's Message

From page 1

we have Supreme Court's decision to warrant PBM reform in New York State. We need Governor Cuomo to recognize this important decision.

By now every pharmacy should be registered with a federal partner to provide vaccinations to our communities. If you have not registered yet there is still an opportunity, please reach out to us at nycpsboard@gmail.com.

As you all know last year Governor Cuomo had allowed pharmacies to test for COVID-19 in New York State. We have a great opportunity to show the

state the important roll we play in our communities as well as have a service that you provide and get reimbursed for it without PBM involvement. My pharmacy is part of CPESN NYC network and with their leadership I was able to set up a testing site in my pharmacy and provide a much needed service to my community. I would strongly encourage you to look in to obtaining a CLIA waver and joining CPESN to help you set up for COVID testing.

We now have a new Facebook page for NYCPS members only. I encourage you to use this link to join the group:

<https://www.facebook.com/groups/249383519910587>

We will be providing and updating you with relevant information as we get it.

With a great relief I bid farewell to Year 2020 and welcome Year 2021, full of new beginnings and opportunities.

Please register for the upcoming PSSNY Mid Winter Meeting January 30-31, which will be another virtual event. To register:

- go to pssny.org and select meetings
- email: staff@pssny.org
- or call 518-869-6595

Wishing everyone a prosperous year. Till next time.

*~ Ilana Aminov
NYCPS President*