



NEW MEXICO BOARD OF PHARMACY

est. 1889

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Pharmaceutical Cargo Theft

- New Mexico History



Notable Cargo Thefts

- 1990 – 2005
- Thefts from cargo vans by employees.
- Two arrests made after specific drivers/routes were identified.
- One by the DEA the other by Board inspectors in Northern New Mexico.

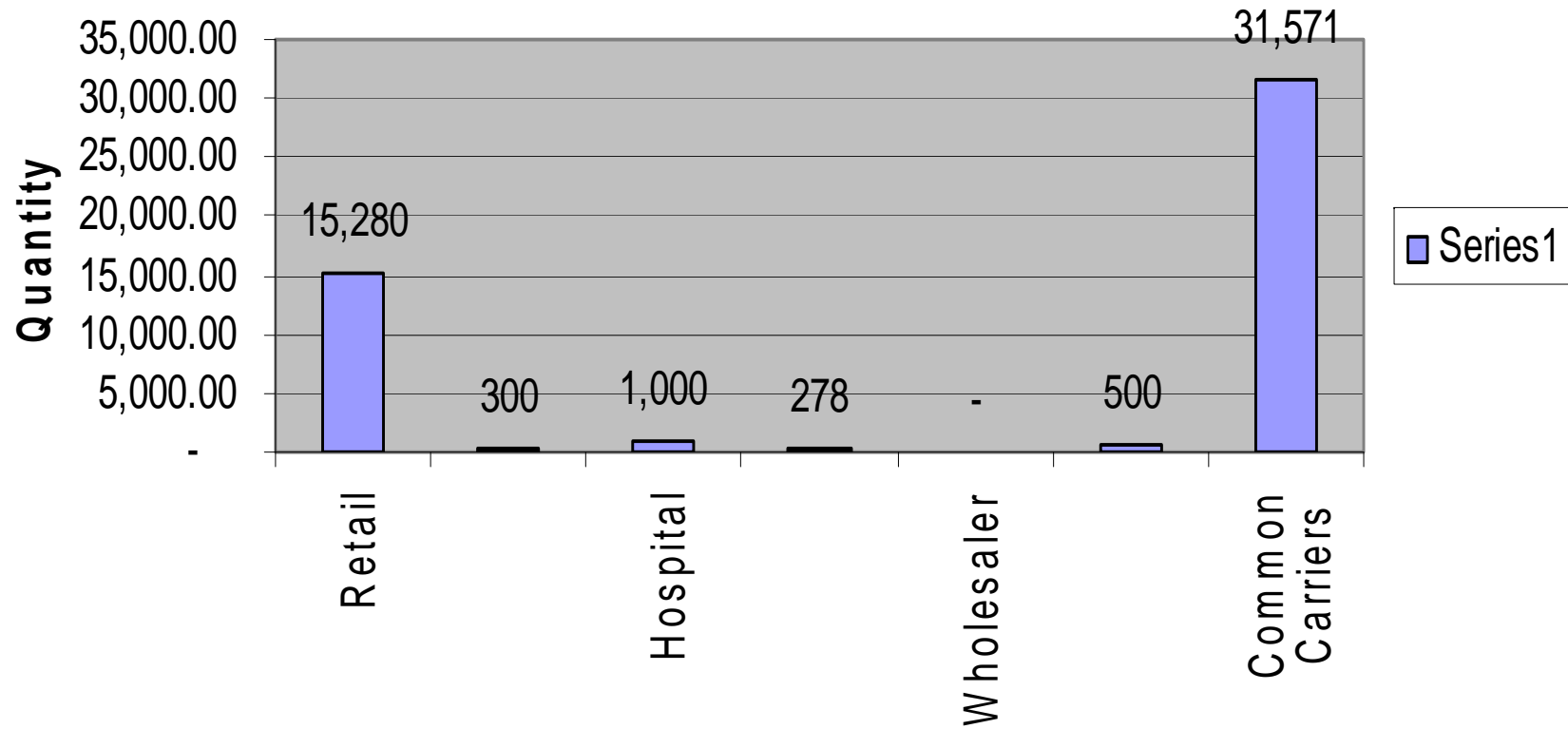


1990-2005

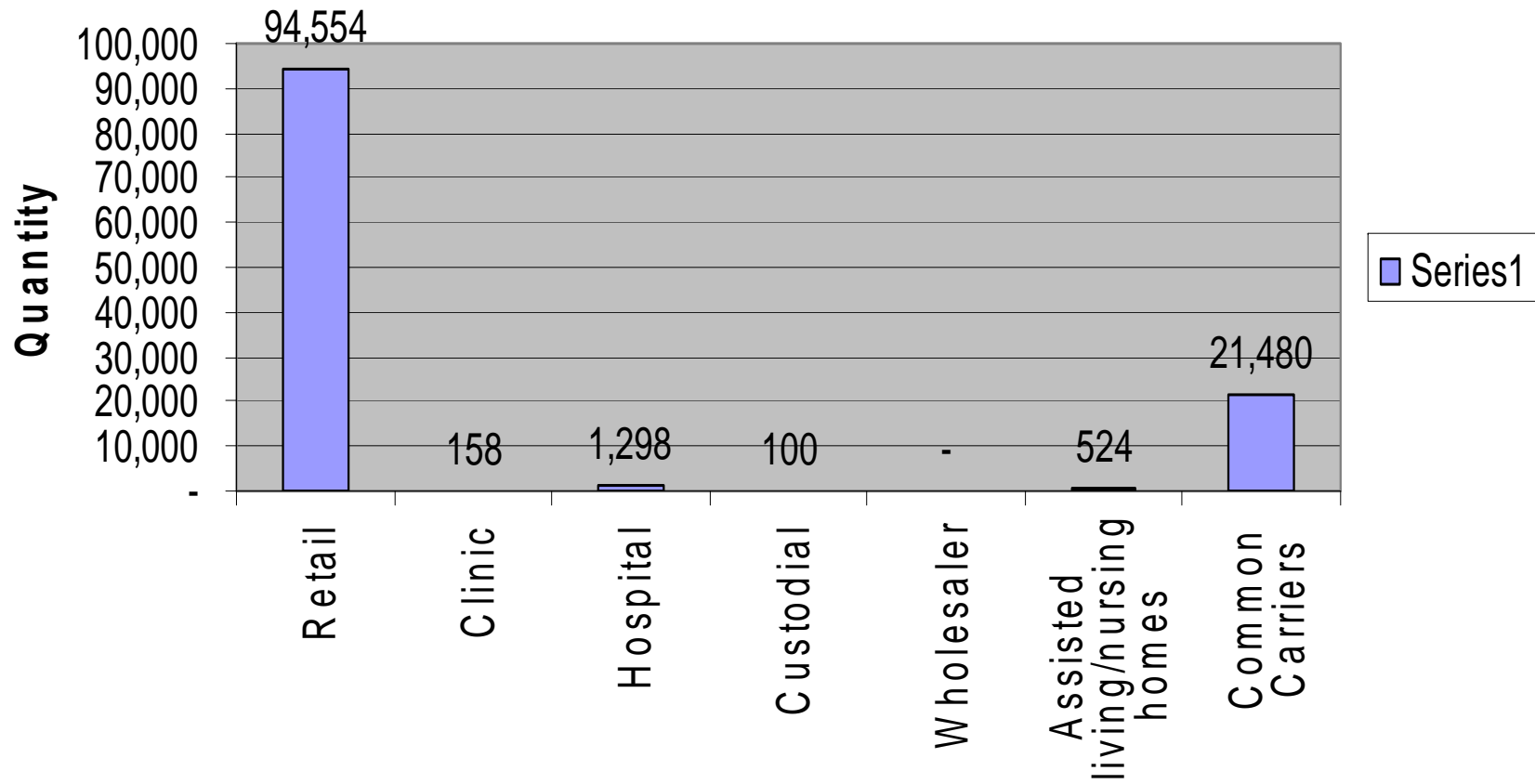
- One cargo van with pharmaceuticals was stolen by a homeless person who needed a ride to a nearby community.
- No drugs were taken.
- Other cargo theft investigations included cargo planes, vans, drivers, warehousemen, and security guards.



2007 loss by Facility Type



2008 loss by Facility Type



2005-Present

- Smash and Grabs
- Window or locks smashed on smaller cargo vans.
- Suspects typically know which containers have controlled substances/ lifestyle drugs.



2008

- Cargo Van's stolen or car jacked.
- 5 vehicles taken within a 2 month time frame.
- Courier went out of business.









Issues

- Reporting pharmaceutical thefts and losses.
- Wholesalers and pharmacies were not on the same page on who should report the losses to the NM Board of Pharmacy/DEA.
- Background checks of employees/contracted carriers in many cases were not being conducted by the wholesalers.



Issues

- Pharmacy personnel signing for receipt of pharmaceuticals without verifying contents.
- One person per cargo van.
- Cargo van door frequently left unlocked during delivery. No alarm system or ignition cutoff switch.
- Cargo Van's engine left running.
- Vans not equipped w/ GPS: Drivers would often conduct other activities diverting from their route.
- Pharmacies (Retail and Hospital) may not have video surveillance of the drug delivery areas.



Laws/Rules

- NM did not have a rule specifically designed for pharmaceutical security by common carriers.
- Interstate commerce concerns.



Laws/Rules

- **SECURITY REQUIREMENTS**
- **CFR Section 1301.71 Security requirements generally (NM has the same rule for security of controlled substances)**
- **(a) All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances**



Laws/Rules

- **Section 1301.77 Security controls for freight forwarding facilities.**
- (a) All Schedule II-V controlled substances that will be temporarily stored at the freight forwarding facility must be either:
 - (1) stored in a segregated area under constant observation by designated responsible individual(s); or
 - (2) stored in a secured area that meets the requirements of [Section 1301.72\(b\)](#) of this Part. For purposes of this requirement, a facility that may be locked down (i.e., secured against physical entry in a manner consistent with requirements of [Section 1301.72\(b\)\(3\)\(ii\)](#) of this part) and has a monitored alarm system or is subject to continuous monitoring by security personnel will be deemed to meet the requirements of Section 1301.72(b)(3) of this Part.

Laws/Rules

(c) Controlled substances being transferred through a freight forwarding facility must be packed in sealed, unmarked shipping containers.



Section 1301.74 Other security controls for non-practitioners

- (c)..... The supplier is responsible for reporting in-transit losses of controlled substances by the common or contract carrier selected pursuant to paragraph (e) of this section, within one business day of discovery of such theft or loss.
- (e) When shipping controlled substances, a registrant is responsible for selecting common or contract carriers which provide adequate security to guard against in-transit losses ...



Section 1301.74 Other security controls for non-practitioners

- (e)..... In addition, the registrant shall employ precautions (e.g., assuring that shipping containers do not indicate that contents are controlled substances) to guard against storage or in-transit losses
- **EMPLOYEE SCREENING -- NON-PRACTITIONERS**
- **Section 1301.90 Employee screening procedures.**



Wholesale Drug Distribution Committee

- Committee began in 2007
- The Board insisted that committee address the increase in drug thefts from common carriers.



NABP Model Rule Sect 5: Security and Anti-Counterfeiting

- All common carriers used by a Wholesale Distributor shall ensure security via one of the following:
 - (1) a verifiable security system; or
 - (2) a Board-approved accreditation or certification program



March 2009

- Presentations were made by several local common carriers.
- They had voluntarily been increasing their security for pharmaceuticals.
- We have not had any thefts of cargo vans since then.



NMBOP Adopts New Rules June 2009

Wholesale Drug Distribution rule was changed to include Policy & Procedure requirements:

- (10) a procedure that ensures all common carriers contracted with or utilized by the wholesale distributor conduct a criminal background check and drug screen of the employees whose responsibilities include the known handling of prescription drugs;



NMBOP Rule Change

- (11) a procedure for conducting periodic assessments of the security provisions of common carriers contracted with or utilized by the wholesale distributor that at a minimum must specify that vehicles must be secured by locks on all doors and windows when the driver is not present, there shall be no unapproved stops during the delivery route and that the vehicle must not be left running in the absence of the driver;

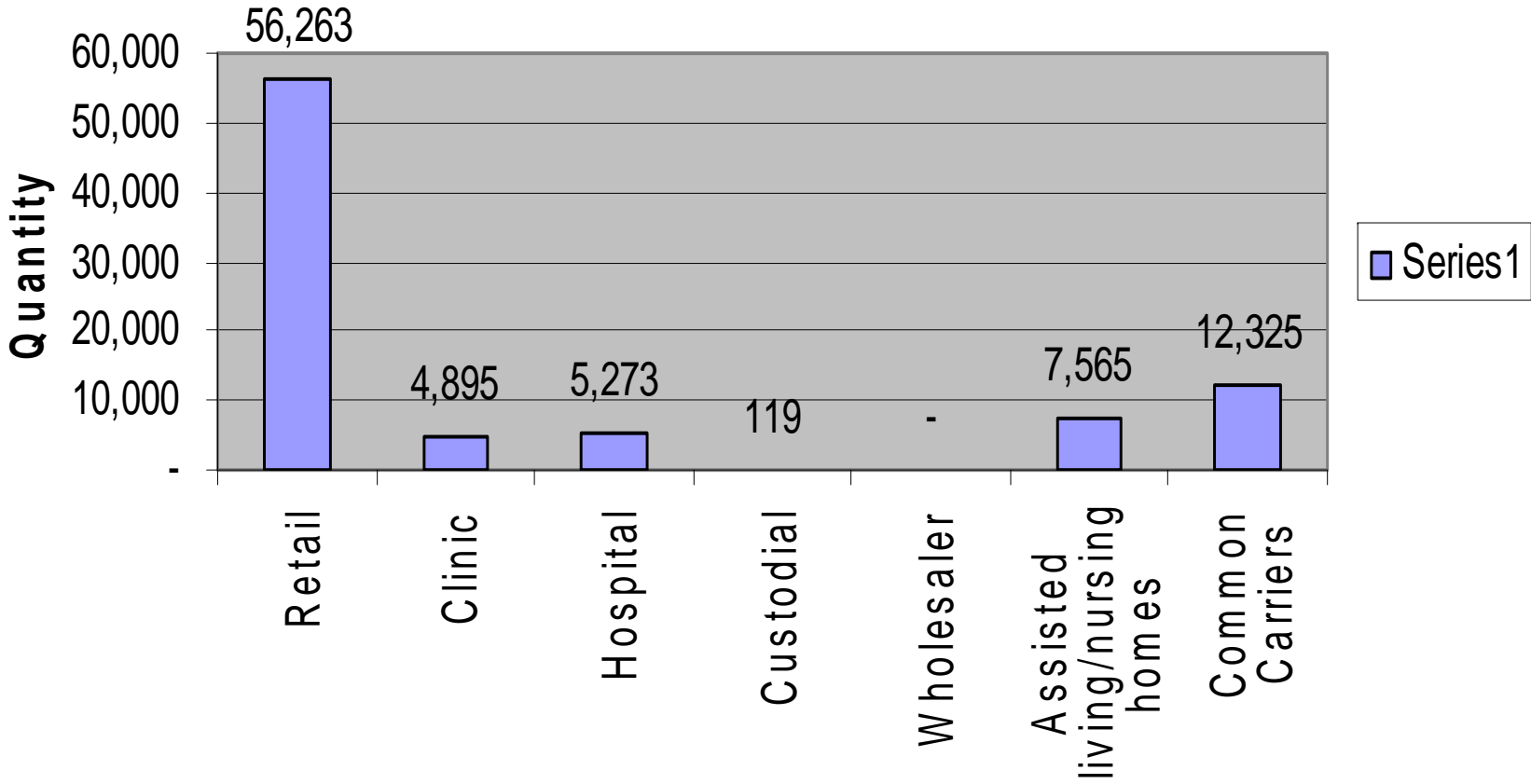


NMBOP Rule Change

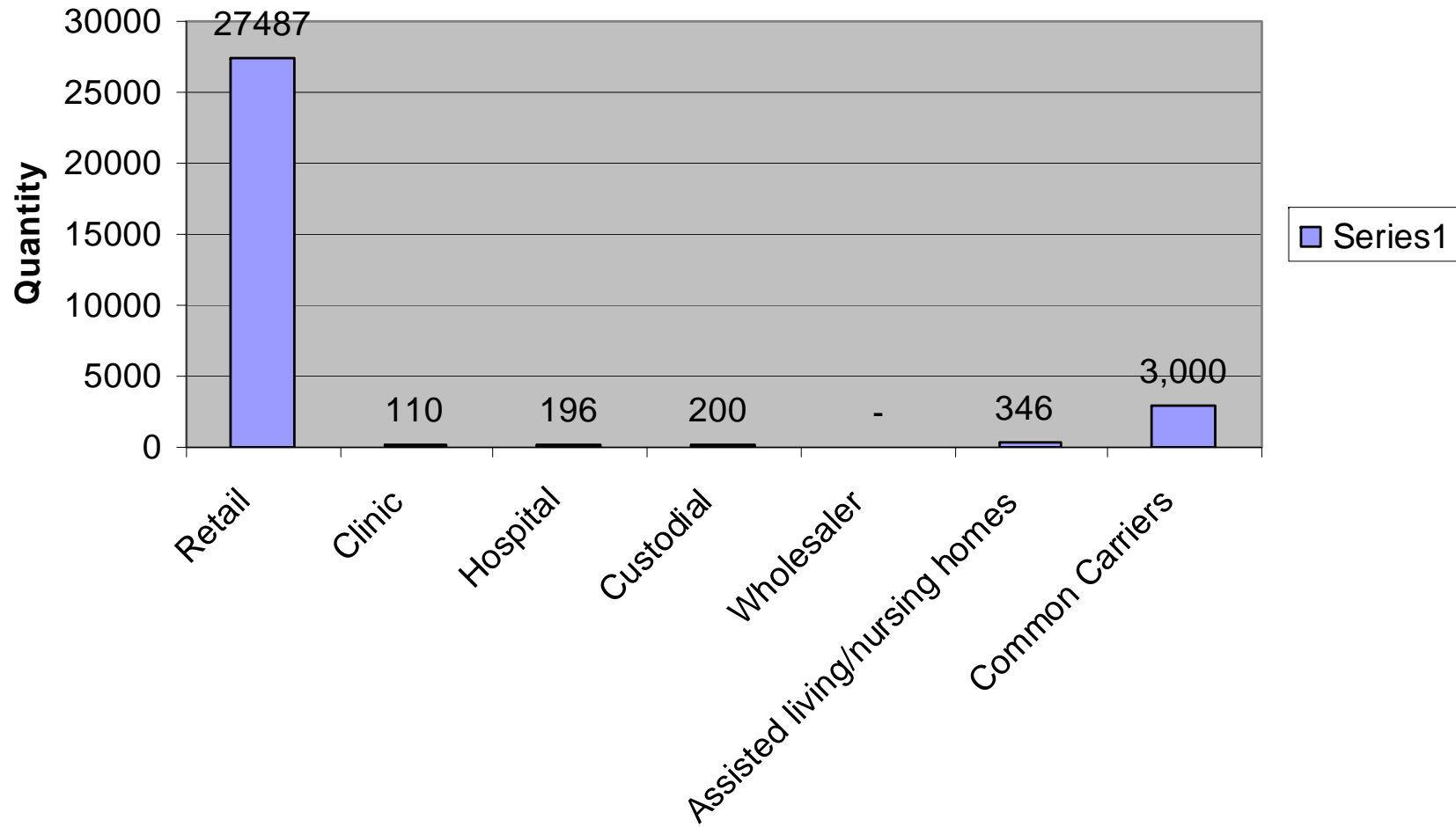
- (12) a procedure or set procedures designated to address high-risk deliveries that may require the common carriers contracted with or utilized by the wholesale distributor to make deliveries only to highly-visible, well-lit locations during certain prescribed time periods agreed upon with the customer and the use of varied routing.



2009 loss by Facility Type



2010 YTD loss by Facility Type



KEEP



RIGHT