U.S. Department of Justice

Drug Enforcement Administration

Washington, D.C. 20537

Request Number: 03-1134-F

Subject of Request: DIVERSION INVESTIGATORS MANUAL

CARDINAL HEALTH
7000 CARDINAL PLACE
DUBLIN, OH 43017

DEAR ROBERT P. GIACALONE:

Your Freedom of Information/Privacy Act (FOI/PA) request seeking information from the Drug Enforcement Administration (DEA) has been processed. The paragraphs checked below apply:

[ ] A determination has been made to deny your request pursuant to subsections of the Privacy Act and/or Freedom of Information Act referenced at the end of this letter. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. An attachment to this letter explains these exemptions in more detail.

[X] The processing of your request identified certain materials that will be released to you. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. 552, and/or the Privacy Act, 5 U.S.C. 552a. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail.

[X] The documents are being forwarded to you with this letter.

[ ] The rules and regulations of the Drug Enforcement Administration applicable to Freedom of Information Act requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public.

[ ] Certain DEA documents contained information furnished by another government agency. DEA is in the process of consulting with that agency before granting access to the documents in accordance with 28 C.F.R 16.4 and/or 16.42. You will be notified if more material is available for release pending results from that consultation.

[ ] Certain DEA files contain information that was furnished by another government agency or agencies. That information and a copy of your request have been referred for a decision as to access and the agency or agencies involved will respond directly to you in accordance with 28 C.F.R 16.4 and/or 16.42.

[ ] If you wish to appeal any denial of your request, you may do so within sixty (60) days pursuant to 28 C.F.R. 16.9. The appeal should be sent to the following address, with the envelope marked "FOIA Appeal":

Co-Director
Office of Information and Privacy
FLAG Building, Suite 570
Washington, D.C. 20530

[ ] For further information, see attached comments page.

Sincerely,

Katherine Myrick

Katherine L. Myrick
Chief, Operations Unit
FOI/Records Management Section
Drug Enforcement Administration
Washington, D.C. 20537

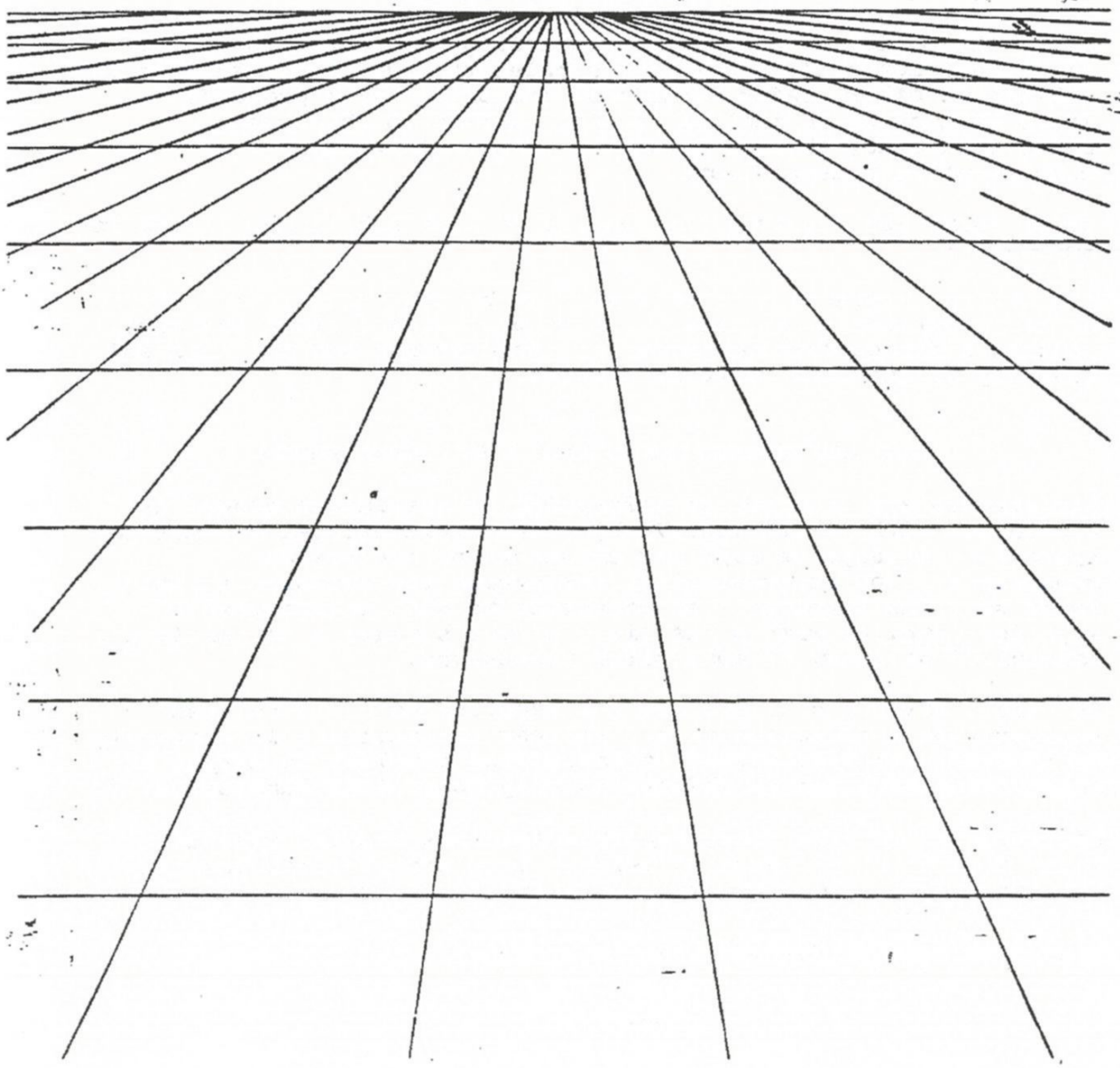
Number of Pages Withheld:	000
Number of Pages Released:	226
Number of Pages Referred to another agency:	000

APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:

Freedom of Information Act 5 U.S.C. 552			Privacy Act 5 U.S.C. 552a	
[ ] (b)(1)	[ ] (b)(5)	[ ] (b)(7)(C)	[ ] (d)(5)	[ ] (k)(2)
[X] (b)(2)	[ ] (b)(6)	[ ] (b)(7)(D)	[ ] (j)(2)	[ ] (k)(5)
[ ] (b)(3)	[ ] (b)(7)(A)	[X] (b)(7)(E)	[ ] (k)(1)	[ ] (k)(6)
[ ] (b)(4)	[ ] (b)(7)(B)	[ ] (b)(7)(F)		

U.S. Department of Justice
Drug Enforcement Administration

Diversion Investigators Manual



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The FBI is responsible for actions under this Section. If DEA receives information (e.g., telephonic, DEA-106) of a registrant theft which appears to meet the above criteria, DEA shall immediately notify the FBI office having jurisdiction. Additionally, the registrant will be reminded to immediately contact and inform the local police agency of the theft. DO NOT send a copy of all DEA-106's to the FBI, only those which appear to meet one or more of the above criteria.

If the theft meets one of the criteria listed above, DEA will provide to the FBI, on request, case files regarding security at the firm, which may include past thefts or information on suspected violations.

5125 COMPLIMENTARY SAMPLES

It is the policy of DEA to encourage drug manufacturers not to distribute controlled substance samples through detailmen, but to substitute other, safer methods of promoting their products. These methods could include sending samples to physicians directly and not through detailmen, and to institute complimentary prescriptions.

Order forms are required for samples of such substances listed in Schedule II.

The written requests will be preserved by the registrant with his or her distribution records. The request will contain the name, address and registration number of the customer and the name and quantity of the controlled substances.

5126 REQUIREMENT TO REPORT SUSPICIOUS ORDERS

Registrants are required to inform DEA of suspicious orders in accordance with 21 CFR 1301.74(b). DEA field offices are not to approve or disapprove supplier shipments of controlled substances. The responsibility for making the decision to ship rests with the supplier. An exception to this occurs when a supplier complies with a DEA field office's request to initiate a controlled delivery of controlled substances.

DEA field offices will provide the supplier with the related registration information (i.e., whether the customer is currently registered with DEA) needed to assist the supplier in making an independent decision on whether to ship controlled substances.

Registrants, who routinely report suspicious orders, yet fill these orders, with reason to believe they are destined for the illicit market, are expressing an attitude of irresponsibility

that is a detriment to the public health and safety as set forth in 21 U.S.C. 823 and 824. Suspicious orders include those which are in excess of legitimate medical use or exhibit characteristics leading to possible diversion such as: orders of unusual size, unusual frequency, or those deviating substantially from a normal pattern. The supplier can determine whether the order is excessive by checking their own sales and establishing the average amount of controlled substances shipped to registrants of the same apparent size in a particular geographic area. If the customer exceeds this threshold, the request should be viewed as suspicious. This activity, over extended periods of time, would lead a reasonable person to believe that controlled substances possibly are being diverted. An investigation will be conducted for possible violation of the CSA and regulations upon determining that the reporting registrant, as a general practice, does not voluntarily halt shipments of controlled substances to registrants involved in suspected diversion or to registrants against whom previous action has been taken. In these instances, the registrant is subject to the appropriate prosecution and/or administrative action.