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**MEMORANDUM**

**Confidential and Privileged  
Attorney Client Communication**

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**FROM:** Jennifer Watson  
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**RE:** DEA Fee Exemption and DEA Licenses for Multiple Locations

I. DEA Fee Exemption

Prior to 1994, public sector employees were exempt from DEA’s registration fee. In 1994, the DEA, in an effort to control the misuse of fee exempt status, amended its regulations and limited the fee exemption to government owned and operated hospitals and institutions. Individual practitioners were no longer eligible for the fee exemption.

In 1997, the DEA assumed a major overhaul of its regulations and reinstated the exemption for public employees. The applicable regulation is 21 C.F.R. § 1301.21 and states:

- (a) The Administrator shall exempt from payment of an application fee for registration or re-registration:
  - (1) Any hospital or institution which is operated by an agency of the United States [or] of any State ....
  - (2) Any individual practitioner who is required to obtain an individual registration in order to carry out his or her duties as an official of an agency of the United States [or] any State ....

The above provision specifically exempts state employees from DEA’s registration fee. The National DEA Registration Office confirmed in 2005 that employees of state owned and operated institutions are exempt from the payment of registration fees. The applicable regulation has not changed since 2005.

In order to qualify for the fee exemption, the registrant must complete the fee exemption portion of the application, and the application must be signed by the registrant’s superior certifying “to the status and address of the registrant and to the authority of the registrant to acquire, possess, or

handle controlled substances.” 21 C.F.R. § 1301-21(b). The superior should have the authority to confirm that the registrant is a University employee who is authorized to dispense controlled substances in the State. The registrant must also include the address of the exempt institution in section 1 of the application, which may be the registrant’s University office address or the address for the particular University clinic where the registrant practices.

For those who need a registration for a practice at TCH or a TCH clinic, the DEA Denver Division Office recommends listing University of Colorado Denver – The Children’s Hospital as the institution in section 1 of the application, with the address for The Children’s Hospital or the particular TCH clinic. In the fee exemption portion of the application, the registrant should continue to list his or her supervisor at the University.

## II. Multiple Practice Locations

It should be noted that a separate registration number is required for each location where a practitioner practices at which he or she administers or dispenses controlled substances or where controlled substances are maintained. 21 CFR § 1301.12. A location is considered separate if it is separated physically. Separate physical facilities are considered separate locations even if both facilities/locations are part of the same state institution. Thus, a UCD physician who maintains a practice at multiple UCD clinics around the State would be required to obtain a DEA number for each location where he or she administers, dispenses, or maintains controlled substances. However, a practitioner who is registered at one location, but also practices at other locations is not required to register separately for any other location at which controlled substances are only prescribed and the practitioner does not maintain a supply of controlled substances, administer, or directly dispense controlled substances at the separate location. 21 CFR § 1301.12.

As an alternative to registering individually, a physician may instead prescribe under a hospital or institution’s DEA number. A state owned and operated institution is exempt from the registration fee. In order for a practitioner to administer, dispense, or prescribe under a hospital or institution’s DEA number the following criteria must be met:

- 1) the dispensing, administering, or prescribing must be done in the normal course of the practitioner’s professional practice,
- 2) the practitioner must be licensed to practice in the state,
- 3) the hospital or institution must verify that the individual is permitted to dispense, administer, or prescribe in the state,
- 4) the practitioner must be acting within the scope of his/her employment,
- 5) the hospital or institution must authorize the practitioner to dispense/administer/prescribe under its registration and must assign a specific internal code number to the practitioner,
- 6) the hospital or institution must maintain a list of the internal codes and corresponding practitioners, to be made available to law enforcement agencies upon request in order to verify the authority of the practitioner to prescribe.

Like individual registration numbers, a separate registration number must be obtained for each institution or hospital location, even if all the locations are owned and operated by the same state entity.