

NY EMS Controlled Substance Broken Cap / Damaged Package Logging Guide

Practical recordkeeping guide for New York EMS agencies - includes NY and DEA reference links

Important: This is operational guidance, not legal advice. Follow your agency policy, medical director, controlled-substance agent, REMAC/regional policy, NYSDOH/BNE direction, and DEA registration requirements.

Working assumption

Referencing New York State Controlled Substances Act / Public Health Law Article 33, 10 NYCRR Part 80, and federal Controlled Substances Act / DEA rules.

Bottom line

- **Do not log the event as a patient administration** unless the medication was actually administered to a patient.
- **If the cap broke but no drug was lost**, log it as damaged packaging / compromised seal, remove it from service, secure it, and preserve chain of custody.
- **If any drug leaked, spilled, was contaminated, or became unusable**, log it as a non-administered controlled-substance loss due to breakage/spillage/damaged container.

Scenario 1 - Cap broke, container intact, no leakage, no drug missing

Recommended log classification: Damaged packaging / compromised seal - no controlled substance lost - removed from service and secured.

Best audit trail:

- Active substock: subtract 1 damaged unit.
- Quarantine/damaged stock: add 1 damaged unit.
- Total controlled-substance inventory: unchanged until returned, exchanged, transferred, or destroyed.
- Use Transfer function in Schedule2.IT. Help article: [Medication Quarantine](#)
- Return to Hospital with Return Logs
- Internal Incident Report

Suggested narrative:

During controlled-substance inventory on [date/time], the cap/tamper cap on [drug, strength, form, lot/expiration/NDC if available] was found broken. Inner container remained intact; no leakage, spillage, or missing quantity observed. Unit removed from service, secured in [location], and transferred to [agent/pharmacy/contracting hospital] for disposition. No patient administration. No controlled-substance quantity lost.

Scenario 2 - Cap broke and drug leaked, spilled, contaminated, or became unusable

Recommended log classification: Non-administered loss - breakage/spillage/damaged container.

Inventory handling: Reduce inventory by the actual quantity lost or rendered unusable. If the exact amount cannot be measured, document the best supported estimate and the basis for that estimate.

Best audit trail:

- Active substock: subtract 1 damaged unit.
- Total controlled-substance inventory: reduced by loss amount
- Use Reconciliation function in Schedule2.IT. Help article: [Adjusting Inventory Count](#)
- Complete the **NY DOH-2094: Loss of Controlled Substances Report**

Suggested narrative:

Non-administered loss due to damaged cap/container. [Drug, strength, form, lot/expiration/NDC] from [vehicle/substock/main stock] was found with broken cap and [leak/spillage/contamination]. Quantity before incident: ____. Quantity lost/unusable: ____. Quantity recovered/destroyed/returned: ____. Ending balance: ____.
No patient administration. Incident witnessed by ____. Agent notified at ____. Medical director notified at ____. BNE/DEA action: ____.

Notifications and forms

- **Notify internally immediately.** Notify your controlled-substance agent and medical director. Document the time and method of notification.
- **NY BNE notification.** If there was an actual loss, suspected loss, theft, or possible diversion, use the NYS Bureau of Narcotic Enforcement loss notification process.
- **DEA Form 106.** Do not file solely because a cap broke when the event is witnessed/accounted for and there is no theft, diversion, or significant unaccounted loss. File DEA theft/loss reporting when facts support theft or significant loss.
- **DEA Form 41.** Use when controlled substances are actually destroyed by the registrant or caused to be destroyed under DEA disposal rules. Retain the form unless DEA requests submission.

Source links

- [10 NYCRR 80.136 - Controlled substances for emergency medical services; purchasing and possessing](#)
- [10 NYCRR 80.110 - Notification by licensee](#)
- [Loss of Controlled Substances Report \(DOH-2094\)](#)
- [DEA guidance - breakage/spillage can be accounted for and may not require DEA notification as a loss](#)
- [21 CFR 1301.76 - DEA theft or significant loss notification requirements](#)
- [21 CFR 1304.21 - Records generally; DEA Form 41 destruction record requirements](#)
- [21 CFR Part 1317 Subpart C - Destruction and non-retrievable disposal standards](#)
- [DEA Form 41 instructions / controlled substance surrender or destruction](#)

Recommended classification summary

Broken cap with no drug missing: Damaged/compromised package, removed from service, zero controlled-substance loss.

Broken cap with leakage, spill, contamination, or unusable drug: Non-administered controlled-substance loss due to breakage/spillage, signed by the authorized provider and CS agent, included in the semiannual NYS loss total, with BNE notification if it is an actual loss or possible diversion.