

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES
Health Care Department Operations Manual

3.5.14 Handling of Confiscated Medications

(a) Procedure Overview

Inmates are not authorized to possess any medications that meet the criteria identified in this policy. Unauthorized medications shall be confiscated and returned to health care staff unless there is a possibility of a disciplinary charge. The confiscated medications shall be disposed of or sent to the pharmacy for identification if needed.

(b) Purpose

To provide guidance to custody and health care staff regarding confiscation of medications.

(c) Procedure

(1) The following medications shall be confiscated:

(A) Prescription medications found outside of an approved medication container (e.g., unlabeled container). Approved medication containers shall bear a California Correctional Health Care Services pharmacy label which lists:

1. Patient name.
2. California Department of Corrections and Rehabilitation number.
3. Name of the medication as well as strength, dosing instructions, and quantity supplied.
4. Stop date of the medication.

(B) Medications for which the prescription is past the stop date on the label.

(C) A mixture of medications in any labeled or unlabeled container.

(D) Prescription medications which are not prescribed to the inmate.

(E) Unauthorized medications from an outside source.

(F) Over-the-counter medications not in consumer-ready packaging or otherwise properly labeled by pharmacy.

(G) Any medications which are expired and/or adulterated.

(H) Medications not used as prescribed, for example:

1. Medications passed to other inmates.
2. Alterations of an inhaler or other medication container.
3. Hoarded.
4. Crushed or altered.

(2) Chain of Custody for Confiscated Medications

(A) When medications are confiscated, except as described below in Section (c)(2)(A)1., custody staff shall place the medication in an unsealed envelope containing cell search receipts, label the envelope as “confiscated medication,” and deliver to nursing staff. Nursing staff shall examine the contents, notify the prescriber of the incident within the same shift, and dispose of the medication. If identification of the medication is necessary, nursing staff shall seal the contents in the envelope under custody observation to send to the pharmacy for identification and disposition.

1. When there is a possibility of a disciplinary charge (including referrals for criminal prosecution), custody staff shall maintain possession of medications to preserve the chain of evidence only allowing for examination of the substance by pharmacy staff to the degree necessary for positive identification.
2. Upon request, pharmacists shall assist in the identification of intact medications for the purposes of internal investigations.

(B) Follow-up physician orders shall be documented in the health record.

(C) The on-duty nursing supervisor shall be contacted for further direction if there are any immediate concerns regarding confiscated medications.

(D) Nursing staff may return confiscated medications to the patient if all of the following criteria are met:

1. The medication was found in an approved container as outlined in the Section (c)(1)(A).
2. The contents of the container were verified by a pharmacist to be accurate according to the label on the container.
3. The medication is neither expired nor adulterated.
4. There is an active order in the health record for the medication.
5. There is no evidence of hoarding.

(3) Disposition of Medications

(A) Confiscated medications shall be disposed of in compliance with the Health Care Department Operations Manual, Section 1.2.12, Disposal of Regulated Waste Generated by Health Care Staff.

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(B) Illegal drugs shall not be taken to medical or pharmacy for disposal but shall remain within custody control. The internal investigation authority shall direct disposition of illegal drugs pursuant to the Department Operations Manual, Sections 52010.24, 52010.25, and 52010.26.

References

- California Department of Corrections and Rehabilitation, Department Operations Manual, Section 52010.10 - Controlled Medication, Section 52010.24 - Destruction of Controlled Substances, Section 52010.25 - Obtaining a Court Order for Destruction, and Section 52010.26 - Controlled Substance Destruction Schedule
- Health Care Department Operations Manual, Chapter 1, Article 2, Section 1.2.12, Disposal of Regulated Waste Generated by Health Care Staff

Revision History

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