

**NH PDMP Advisory Council Meeting
February 13, 2017
OPLC/NH Board of Pharmacy**

Meeting Minutes

Advisory Council Members Present:

David Strang, MD, Chair, NH Medical Society (NHMS)
Charles Albee, DMD, NH Board of Dental Examiners
Brooke Belanger, NH Attorney General's Office
Joseph Harding, NH Dept. of Health and Human Services (DHHS)
David Stowe, DVM, NH Board of Veterinary Medicine
Michael Viggiano, RPh, State Pharmacy Associations

Advisory Council Members Absent:

Richard Crate, NH Police Chiefs' Association
David DePiero, NH Hospital Association (NHHA)
Kate Frey, New Futures
Eric Hirschfeld, D.D.S, NH Dental Society
Denise Nies, Executive Director, NH Board of Nursing (BON)
Jonathan Stewart, Community Health Institute (CHI)
Robert Stout, RPH, NH Board of Pharmacy (BOP)
John Wheeler, MD, Board of Medicine (BOM)

Also Attending:

Michelle Ricco Jonas, Manager, NH PDMP
Joanie Foss, Administrative Assistant, NH PDMP
Kathy Bizarro-Thunberg, NH Hospital Association (NHHA) via phone
Jim Giglio, TTAC (via phone)
Patrick Knue, TTAC (via phone)
James Potter, NH Medical Society (NHMS) via phone
Beth Sargent Lobbyist, NHPA, Police Chiefs, NH Hospital Pharmacists (via phone)
Joseph Shoemaker, Medical Board Director (OPLC)

The meeting began at 3:05 pm

Introductions

Review & Approve Minutes

January 9, 2017 meeting: A quorum was not present. Acceptance was deferred to the March 20th meeting.

- **Sub Committee Reports**

- **Implementation: General update (M. Ricco Jonas)**

The PDMP staff continues to field phone calls and emails about the mandate to query the PDMP, prior to prescribing schedule II, III or IV opioids for the management and treatment of pain. These calls have involved questions about the law, checking registration status, resetting passwords, understanding how delegates work and how to get them registered, etc. Because HB1423 mandated PDMP use as of Jan. 1, M. Ricco Jonas stated Jan. 1 was a more accurate “go live” date, not Oct. 16, 2014 when the program first became operational.

M. Ricco Jonas announced she has been asked to attend a Feb. 15th panel discussion with CREST providers at DHMC in Lebanon, to review questions about the use & integration of the PDMP, as well as the other regulatory rules. Although she is familiar with the rules as a whole, she can only speak in detail about the PDMP rules and will be happy to bring other concerns/suggestions about other elements of the rules, to the appropriate regulatory boards and OPLC.

Work has begun to apply for a 2017 BJA grant (see further discussion below).

Work has begun on an FY 2018-19 budget.

Work continues on waivers. Approximately 220 have been received, of which app. 183 have been approved.

C. Albee asked if state budget cuts have affected the PDMP. M. Ricco Jonas indicated they have not because the PDMP is funded by Federal grants.

The PDMP staff has been entering data on veterinarian facilities in the State, to compile as comprehensive a list as possible. This information was obtained by the BOP compliance department using information from registered veterinarians. D. Stowe mentioned that the Board of Veterinary Medicine does not go out and conduct inspections. Furthermore, non-veterinarians can be owners of veterinary practices.

- **PDMP Rules (D. Strang, M. Ricco Jonas)**

D. Strang gave a brief summary of the issue of printing out a PDMP report and then placing the printout into a patient’s chart. He feels this is imperative to justify diagnosis and treatment (just as physicians do with lab and x-ray reports), particularly in light of the mandates by numerous licensing boards to utilize the PDMP, prior to writing opiate prescriptions. SB31 was supposed to have resolved this issue, however the BOP issued a letter last Spring, stating they felt it was acceptable to print a copy of the report for use during an appt., but would not agree to placing this report in the patient record.

D. Strang, Comm. B. Stout, K. Frey and M. Ricco Jonas met to review the current rules language and suggest changes to, once and for all, resolve this issue. It was felt that a simple change in the words from “program information” to “protected health information” would accomplish this goal. Comm. Stout reviewed the suggested rule clarification with the Office of Legislative Services (OLS) and they found no issues in clarifying this language in the rules to permit this practice. The next step is to submit the suggested rules change to Atty. Lamberti for his review, formally approve the change with the BOP, and then file with JLCAR.

K. Bizarro-Thunberg stated that the inability of a provider to place a copy of a patient’s PDMP printout in the chart is THE number one question/concern that the NHHA is called about. She asked about the time involved in getting this thru JLCAR and asked if we could bypass this by an emergency rules process. D. Strang reminded the Council that emergency rules are only good for 6 months and can not then be identical to those adopted through the regular rules change process. K. Bizzaro-Thunberg offered to assist with the process. M. Ricco-Jonas will discuss ways to speed up the process with Atty. Lamberti.

□ **Evaluation: (M. Ricco Jonas):**

HID is sending us a “data dump” from 2014-2016, to give us some information for our own analysis. We should get further data dumps, on a quarterly basis, moving forward.

□ **Old Business**

● **HB 291 – Discussion/Update (M. Ricco Jonas)**

The legislation regarding veterinarians and the PDMP went in front of the Environment and Agriculture Committee on 1/24/17. There was an initial 4+ hour hearing. M. Ricco Jonas, D. Strang and R. Stout all provided testimony regarding the importance of veterinarians continued participation in the PDMP. Multiple hearings have been held and amendments considered since. The latest amendment would require veterinarians to register with the program, but would not mandate that they use the PDMP before writing a controlled substance prescription.

Approximately 570 veterinarians practice in NH and have DEA numbers. Discussion occurred regarding human vs. pet reporting. D. Stowe has not received any feedback from his constituents regarding this amendment as of this time.

● **Change in Vendor from HID to Appriss (M. Ricco Jonas)**

The letter of acceptance, transitioning the NH PDMP from HID to Appriss, has been signed. M. Ricco Jonas and Michael O’Neil from NH DoIT attended an Appriss client meeting in Kentucky from Feb.1-2, and were given the opportunity

to see what their platform looks like, as well as to ask questions regarding migration timeframe, security questions etc. (see attached handout). Many of the enhancements that we had requested from HID would be considered standard items under Appriss without additional cost to NH.

New Business (M. Ricco Jonas):

Funding under the Comprehensive Addiction and Recovery Act (CARA) was discussed. Prior funding provided by the Bureau of Justice Assistance (BJA) has been rolled into the CARA program and consists of:

- Category 5 (PDMP funding) and,
- Category 6 (PDMP research and analysis)

J. Harding and James Vara have met to discuss funding from this program. Further enhancement of New Hampshire's PDMP would qualify for category 5 funding. There are lots of opportunities for category 6 funding (research, data analysis, etc.). TTAC and BJA will be having a webinar to discuss further program funding on Feb. 21 at 1 pm .

The deadline to submit an application for the next award cycle is April 25, 2017.

Items of Interest

J. Harding spoke about the over-prescribing practices of a PA whose license was revoked. B. Belanger (whose office was involved in this investigation) discussed the medication Subsys and how this physician assistant was being incentivized to prescribe it.

Non – Public Session

None today

Next Meeting:

Date/Time: March 20, 2017; 3:00 p.m.

Location: Office of Professional Licensure

• **Adjournment:**

Motion at 4:23 pm by C. Albee. Second by M. Viggiano.
All in favor.

Respectfully submitted,



David E. Strang, MD
Chairman