

**NH PDMP Advisory Council
August 21, 2017
OPLC/NH Board of Pharmacy**

Public Session Meeting Minutes

Advisory Council Members Present:

David Strang, MD, Chair, NH Medical Society (NHMS)
Charles Albee, DMD, NH Board of Dental Examiners
Michael Bullek, Administrator/Chief of Compliance, NH Board of Pharmacy (BOP)
David DePiero, NH Hospital Association (NHHA)
Kate Frey, New Futures
Joseph Harding, NH Dept. of Health and Human Services (DHHS)
Eric Hirschfeld, D.D.S, NH Dental Society
Denise Nies, Administrator, NH Board of Nursing (BON)
David Stowe, DVM, NH Board of Veterinary Medicine
Michael Viggiano, RPh, State Pharmacy Associations
John Wheeler, MD, Board of Medicine (BOM)

Advisory Council Members Absent:

Brooke Belanger, NH Attorney General's Office
Richard Crate, NH Police Chiefs' Association
Jonathan Stewart, Community Health Institute (CHI)

Also Attending:

Michelle Ricco Jonas, PDMP Program Manager
Joanie Foss, PDMP Program Assistant
Kathy Bizarro-Thunberg, NH Hospital Association (NHHA)
Nicole Gaffen, MPP Performance Auditor
Jim Potter, Executive Vice-President, NH Medical Society (NHMS)
Robert Reyna, MPP Performance Auditor
Beth Sargent, lobbyist, NHPA
Joe Shoemaker, Medical Board Director (OPLC)

The meeting began at 3:07 p.m. A quorum was present.

- **Introductions**

- **Non Public Session**
Motion at 3:10 p.m. by C. Albee to move to non-public session. Reason: Review of a non-public document. Second by E. Hirschfeld. All in favor by roll call vote.

- **Public Session (Re-commenced at 4:30 p.m.)**

- **Review & Approve Minutes**

July 17, 2017 Meeting: Motion by C. Albee, second by E. Hirschfeld. All in favor except J. Harding (abstention)

- **Sub Committee Reports**

- **Implementation (M. Ricco Jonas)**

General update: M. Ricco Jonas briefly reviewed a conference she attended in Chicago. She is still putting together notes for networking ideas with Brandeis (TTAC). On July 31st, she met in a round table session with Sen. Shaheen, M. Bullek, law enforcement officials and drug court representatives. She reported this went well.

Vendor Migration: Integration of the new platform has been much more time-consuming than with HID, as every dispenser had to be entered manually. There are “quirky issues” with those (dispensers) who did not register. Integrating the prescriber side was much easier. NH is first former HID client state to migrate to PMP AWA^Rx^E (Appriss platform). M. Ricco Jonas feels the Appriss “Help Desk” is *not* helpful. She and J. Foss are now looking at Jasper and Tableau (analysts’ and data manipulation tools). They are not yet fully trained on these.

PDMP Finance: M. Ricco Jonas has drafted an FY’18 budget. This will be submitted to Governor & Council this Wednesday and to the Fiscal Committee on Friday. C. Albee asked what would happen if we received BJA grant funding *AND* legislative funding? M. Ricco Jonas replied that we are not required to accept/spend the full BJA grant if it is awarded.

- **Evaluation (M. Ricco Jonas, as J. Stewart was unable to attend)**

Survey Results: M. Ricco Jonas handed out the results of surveys received from both prescribers and dispensers, regarding their perspectives on utilization and usefulness of the PDMP. Amongst other notable statistics, 55% of responding pharmacists indicated they had refused to fill a Rx because of information received from the PDMP. J. Harding asked if we know how many patients were affected by this 55% refusal rate? An answer cannot be determined from the data. Both surveys came from the older HID system, not the newer PMP AWA^Rx^E platform. Regarding future surveys, we will need to decide how often we do this to avoid “survey fatigue.”

Strategic plan update: M. Ricco Jonas met with Gary Merchant (BOP President) et.al. regarding Program goals and objectives. These goals will be determined by both requirements of the BJA for grant recipients and recommended objectives from the A.C. sub-committee (yet to meet).

- **Old Business**

M. Ricco Jonas announced the proposed rules (changes) were discussed at a public hearing at the BOP on August 16th.

- **New Business**

RSA Language Error: D. Strang stated that he had discovered words that were omitted from the original 2012 statute (SB 286, now RSA 318-B:38, II, (c)), which states “The council shall develop criteria for notifying practitioners who are engaged in obtaining controlled substances from multiple prescribers or dispensers.” This wording implies that practitioners are the ones who are doctor shopping. It should read “The council shall develop criteria for notifying practitioners of their patients who are engaged in obtaining controlled substances from multiple prescribers or dispensers.” Because this wording is codified in State RSA, it cannot simply be changed, despite it clearly being incorrect. New legislation will be required to fix this. J. Harding mentioned that there may be easier ways to fix this. D. Strang offered to speak with those Representatives and/or Senators who represent his town, but M. Ricco Jonas suggested that this be handled thru the BOP, as there is other RSA language that needs to be corrected.

Council Duties per Legislation: M. Ricco Jonas distributed a handout, listing the duties of the A.C. as enumerated in the 2012 enabling statute. She would like to form a sub-committee to create a more comprehensive/specific list, which can then be developed with the BOP. This initiative is a consequence of a preliminary audit recommendation. D. Nies, J. Harding, K. Frey and M. Bullek will comprise this sub-committee.

Council Chair Invitation to Address the BOP: The BOP has requested the Chair (D. Strang) to come to the September 20th BOP meeting, and monthly thereafter if needed, to address the Board. In the event of a schedule conflict, an alternate would be acceptable per M. Bullek. D. Strang is available anytime the afternoon of Sept. 20th.

Other: Thresholds for reporting were discussed. M. Ricco Jonas feels that the A.C. may need to recommend different threshold levels. Under the new PMP AWARD platform, if an individual reaches the threshold, the prescriber will receive a (quarterly) dashboard report, stating that their patient has met the threshold. Nevada also sends this info to their State licensing boards so that they can have a conversation with the provider as to why this is happening. It was discussed, again, that the auditor feels State RSA has already established a threshold when “.... a person independently consults 2 or more practitioners for treatment solely to obtain additional controlled drugs or prescriptions for controlled drugs” (RSA 318-B:2, XII-a). As this (RSA) law was written several decades before the passage of the PMP legislation, it was felt that this statute establishes a definition of doctor shopping and not a threshold that the A.C. or PDMP must enforce. It was felt that enforcement at this low level would require enormous levels of money and manpower to investigate, that no state could afford.

C. Albee asked if the State’s licensing boards are asking for reports or data. M. Ricco Jonas replied there were not a lot of requests from boards, even though she has addressed many of them and made it known that data is available. Requests are

sporadic due to a capacity issue. If we do receive the 2017 BJA grant, we will be able to fund a position for someone to get specific information to the boards.

M. Bullek stated that the PDMP has uncovered lots of illegal activity. One investigator alone has spent weeks investigating a mushrooming event that started with a drug wholesaler and is now involving physicians and pharmacies, with two pharmacists being reprimanded, physicians kicking patients out of the practice, etc. He stated the PDMP has significantly increased the workload of the BOP investigators and feels the Program should probably have its own investigator.

- **Items of interest**

None brought forward

- **Next meeting**

Date/Time: September 18, 2017; 3:00 p.m.

Location: Office of Professional Licensure and Certification (OPLC)

- **Adjournment**

Motion to adjourn at 5:24 p.m. by C. Albee, second by D. Stowe. All in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "David E. Strang MD".

David E. Strang, MD
Chairman