

**NH PDMP Advisory Council Meeting
September 18, 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
Michael Bullek, Administrator/Chief of Compliance, NH Board of Pharmacy (BOP)
Richard Crate, NH Police Chiefs' Association (via phone)
David DePiero, NH Hospital Association (NHHA)
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)
Jonathan Stewart, Community Health Institute (CHI)
John Wheeler, MD, Board of Medicine (BOM)

Advisory Council Members Absent:

Brooke Belanger, NH Attorney General's Office
Kate Frey, New Futures
David Stowe, DVM, NH Board of Veterinary Medicine
Michael Viggiano, RPh, State Pharmacy Associations

Also Attending:

Michelle Ricco Jonas, NH PDMP Manager
Joanie Foss, Administrative Assistant, NH PDMP
Kathy Bizarro-Thunberg, NH Hospital Association (NHHA)
Nicole Gaffen, MPP Performance Auditor
Jim Giglio, TTAC (via phone)
Patrick Knue, TTAC (via phone)
James Potter, NH Medical Society (NHMS)
Roberto Reyna, Office of Legislative Budget Assistant, Audit Division
Joseph Shoemaker, Medical Board Director (OPLC)

The meeting began at 3:12 p.m. A quorum was present.

Public Session

- **Introductions**

- **Financial Disclosure Statements**
Completed by one additional member.

- **Review & Approve Minutes**
August 21, 2017: Motion to accept by C. Albee. Second by E. Hirschfeld. All in favor with amendment as follows: Add reason to move to non-public session (review of a non-public document). Also, under "New Business, Council Duties per Legislation," Sub-Committee members should read "M. Bullek," not "J. Stewart." Motion by C. Albee. Second by E. Hirschfeld. All in favor.

- **Sub Committee Reports**
 - Implementation** (M. Ricco Jonas)
 - a. General Update:**

- On August 10th & 11th, M. Ricco Jonas attended a PDMP roundtable conference in Kansas City, KS, jointly hosted by the Kansas PDMP and TTAC.
- On Sept. 6th-8th, she also attended the BJA National Conference in Washington, DC (grant required).
- Coordination continues with APPRISS on the post migration process and addressing any issues/outstanding items to be completed.
- Work continues with M. Bullek (BOP) on the financial sustainability plan.
- Work continues with the BOP Sub-committee on Strategic Planning. Met with subcommittee to review documents and create a strategic map, draft mission and vision statement.
 - Next steps are to set/define strategic objectives and establish draft metrics to be reviewed.
- Reports have been prepared to assist the Board of Pharmacy in its investigations.
- Pharmacy registrations continued in the PDMP Clearinghouse.
- Letters have been sent out to pharmacies that are not registered with the NH PDMP Clearinghouse. These are all out-of-state pharmacies. 120 pharmacies received letters of non-compliance from the BOP. 34 did not register within the 14-day extension. 19 were from FL and TX and were given an extension of time given the recent hurricanes. 15 will receive letters of discipline from the BOP.

• **Information Requests During This Period:**

Medical Examiner: 4 requests pending
 Law Enforcement: 0 requests completed
 Regulatory Board: 4 requests completed
 Patient: 1 request completed

Letter of Concern to the Board of Pharmacy: 1

A formal letter was written to the BOP regarding a pharmacy that did not correct an error in the PDMP within the specified timeframe.

b. Vendor Migration:

- Weekly migration meetings are being held but will be ending Sept. 30th. We are waiting to hear who the APPRISS vendor manager will be.
- The PDMP staff has remained very busy with dispenser and “requester” registrations, particularly the latter. These include both those that migrated along with the change to the new system (e.g. issues with emails or passwords) and new registrations that were required because they did *not* migrate over to the new system. An email was sent to APPRISS on Sept. 15th expressing concerns about the automated password system not working properly. We are awaiting a formal response as to what the vendor is doing to correct this issue.
- Work continues on an automated registration process.

c. PDMP Finance:

The SFY ‘18 budget was approved at the Governor and Council (G&C) meeting on 8/23/17 and also at the Fiscal Committee meeting on 8/25/17. The Fiscal Committee only approved items 1, 3, 4 & 5. Item 2 (approval of the \$100,000 in General Funds) was tabled until the Program can bring forward a full biennium

budget. The PDMP will go back to the Fiscal Committee and G&C in October/November to accept and expend additional grant funds, if awarded from the BJA, in order to establish a final SFY '18/19 budget. We anticipate notification of our BJA grant application in late September. We can only create this final budget after the Office of the Attorney General accepts and expends any new funds (if granted).

Handout – Proposed Biennium Budget and Sustainability Proposal

- M. Bullek reviewed this handout (will attach to meeting minutes).
- There will be no fees to individual practitioners with this proposed plan.
- Proposal is based on a biennium budget given no other funds (e.g. grants).
- Proposal requests each licensing board contributes 10% of the revenue that is in excess of 125% of their annual budget.
- BON contribution is artificially high, as APRNs are only a fraction of the total BON registrants and therefore, their budget. We will need to get better numbers to accurately reflect this.
- The licensing board contributions are based on 2016 budget figures.
- The A.C. is asked to assist with the narrative/context of this proposal to the legislature.

Motion by C. Albee to accept the draft proposal and present it to the BOP, understanding that dedicated funding from the licensing boards may change based on each board's actual budget (see BON reference above), edits to the cover page that reflect a biennium budget are needed, and that the A.C. will help to develop the narrative/context of this proposal to be presented to the Legislature on November 1st. Second by J. Stewart. All in favor.

Comments: K. Bizarro-Thunberg suggested that we be sure the proposal is clear that it includes funds from both the pharmacy wholesalers and from the licensing boards.

Evaluation (J. Stewart/M Ricco Jonas):

• **Annual Report Preparation**

Met with Abbott Willard (UNH). He is completing a crosswalk of what our previous annual reports included and what is required by statute to comply with the PBSS measures. M. Ricco Jonas will meet with him again this week to finalize the data elements that will make up the 2017 Annual Report.

The report due date is still pending. It is expected that we will go before the legislative Health & Human Services Committee sometime in October/November.

• **Other**

The PDMP is also working on a PowerPoint presentation outlining Program data requests. This will be brought to the A.C. for its review and possible referral to the BOP.

A request for a definition of what de-identified data is will go to the A.G.'s office. K. Bizarro-Thunberg suggested looking at HIPAA legislation for a definition of what is considered de-identified healthcare data.

• **Old Business**

- Council Duties per Legislation (update): Sub-Committee met on 9/11/17 to review legislative language in the initial statute.
- Rules (update): A public meeting was held at the BOP on August 16, 2017 to consider the proposed rules change for the PDMP. A meeting with Atty. Bob Lamberti was held on Friday, Sept. 15th to review comments from this public meeting and make any necessary adjustments to the language. These changes will be presented to the A.C. at next month's meeting.
- Financial Disclosure Forms: Forms were double-checked to be sure they are accurate and properly completed.
- Acceptance of Past Meeting Minutes: Per Board counsel, Atty. Tom Broderick, now that all Council members have completed the required Financial Disclosure Form and are considered "eligible" to serve on the Council, we can now vote to retroactively approve the minutes from the start of the Advisory Council in July 2012, through the start of this year (minutes from the Jan. 2017 meeting forward were already approved at a prior meeting). Motion by C. Albee to accept the actions of the Advisory Council from July 1, 2012 through January 31, 2017. Second by E. Hirschfeld. All in favor (9-0).

- **New Business**

Jim and Jeanne Moser lost their son to a prescription overdose and have created a campaign entitled "Zero Left." They would like to present this program to the Advisory Council for a recommendation to bring it to the BOP to have materials posted on the PDMP website. M. Ricco Jonas would like to schedule them for the October meeting if the A.C. is interested. Discussion ensued. It was felt that although the A.C. would be happy to listen to their presentation, most were uncomfortable being asked to make a formal endorsement.

C. Albee made a motion that it should not be the policy of the Advisory Council to endorse any particular organization. Second by J. Wheeler. All in favor.

J. Potter stated that private associations may have fewer hoops to jump through and likely could endorse items easier.

A second motion was made by C. Albee to allow them to present to the A.C. at the October 16th meeting. Second by E. Hirschfeld. All in favor. It was felt that in consideration of the large number of business items under consideration, we should limit the presentation to 15 minutes.

J. Harding suggested the A.C. consider whether campaigns such as this have been tested for effectiveness.

- **Items of Interest**

J. Harding: Federal law limits the number of patients that a Suboxone prescriber can treat at one time. A provider can request a waiver to increase this number, but it has to be approved by him as the SOTA (State Opioid Treatment Authority). He was contacted by SAMHSA to consider an increase in a certain provider's limit to 275 patients, but he is not sure what the best process would be to evaluate the practitioner who applied for this waiver. Discussion ensued.

It was recommended to J. Harding, that he, as the SOTA, check with the appropriate licensing board and ask it to review the prescribing patterns of this licensee before rendering a decision.

Non-Public Session

Motion at 5:05 p.m. by C. Albee to move to non-public session. Second by E. Hirschfeld. Reason: To review confidential, non-public, audit letter to the BOP and hear presentation of current (private) Board investigations. All in favor by roll call vote.

Non-public session ended at 6:09 p.m.

- **Next Meeting**

Date/Time: October 16, 2017; 3:00pm

Location: Office of Professional Licensure and Certification

- **Adjournment**

Motion to adjourn at 6:10 p.m. by D. Nies. Second by J. Stewart. All in favor.

Respectfully submitted,

A handwritten signature in black ink that reads "David E. Strang MD". The signature is written in a cursive style with a large, stylized 'D' and 'S'.

David E. Strang, MD
Chairman