

**NH PDMP Advisory Council Meeting
February 12, 2018
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
David DePiero, NH Hospital Association (NHHA)
Sean Gill, NH Attorney General's Office, Dept. of Justice (DOJ)
Joseph Harding, NH Dept. of Health and Human Services (DHHS)
Eric Hirschfeld, D.D.S, NH Dental Society (via phone)
Kitty Kidder, APRN, Vice Chair, NH Board of Nursing (BON)
Bradley Osgood, NH Police Chiefs' Association
Michael Viggiano, RPh, State Pharmacy Associations
Candace White-Bouchard, NH Board of Pharmacy (BOP)

Advisory Council Members Absent:

Stephen Crawford, DVM, NH Board of Veterinary Medicine
Gil Fanciullo, MD, NH Board of Medicine (BOM)
Kate Frey, New Futures
Jonathan Stewart, Community Health Institute (CHI)

Also Attending:

Michelle Ricco Jonas, Manager, NH PDMP
Joanie Foss, Administrative Assistant, NH PDMP
Kathy Bizarro-Thunberg, N.H. Hospital Association
Mike Bullek, Executive Director of Board of Pharmacy
Jim Giglio, TTAC (via phone)
Pat Knue, TTAC (via phone)

The meeting began at 3:01 pm

• **Introductions**

Members were introduced. C. White-Bouchard would like to use a roll-call instead of introductions of members at future meetings. There were no objections to this change.

Prior to a motion to accept minutes, C. Albee asked to clarify acronyms (e.g. BOP, OPLC, TTAC, etc.) to allow newer members the opportunity to understand the operational language. D. Strang urged all to ask questions if they do not recognize abbreviations or mnemonics.

• **Review & Approve Minutes**

January 8, 2018: Motion to accept by C. Albee. Second by D. DePiero. All in favor

- **PDMP Performance Audit Plan (M. Ricco Jonas)**

M. Ricco Jonas gave a brief update. The Plan is not public record as of yet and was submitted to the Fiscal Committee on Jan. 25th. It shows each item assigned to a Sub-Cmte for action. They will also receive an update by M. Ricco Jonas and M. Bullek on February 16th at 10 a.m., followed by monthly updates, submitting the report two weeks prior to each meeting. The next update will be submitted February 22nd for the March 16th meeting. Because it is not a public document yet, there will be no discussion here of the Plan.

C. Albee asked if the A.C. had received any feedback from the Board of Pharmacy regarding its request that the leak of the audit to the Manchester Union Leader be investigated. No information has been received.

- **Annual Report (M. Ricco Jonas)**

The Annual Report was presented to the HHS Oversight Committee on January 26th. A copy was also forwarded to the Governor, the Speaker of the House, the Senate President, various Senate and House legislators, the Board of Pharmacy, the Advisory Council and a few others who submitted requests.

- **Sub Committees (M. Ricco Jonas)**

Review Goals and Set First Meeting

M. Ricco Jonas asked the A.C. members to set up meetings for each Sub-Cmte. in the next few weeks. The BOP staff has looked at funding options for a larger strategic planning session around this July. Each Sub-Committee should plan to meet and make progress on the Audit Plan prior to this time frame.

J. Harding expressed concern that the PDMP is not always able to pull data needed, for example, to study co-morbidity. M. Ricco Jonas stated that we may be able to pull data from 2014 thru 2016, looking at certain levels of morphine equivalency data. Data that will help policy makers to make better decisions regarding prevention practices, geographical regions, demographic targets; data that would show the value of the PDMP as well as needed treatment, coordinated services, risks and doctor shopping. Questions raised: Do we have the technical capacity to evaluate and use the data? Can we use reports that are already built into system? Why do we want the data that we want?

- a. **Strategic Planning (D. Strang; C. White-Bouchard)**

Goal: Hold meeting in April/May 2018

- b. **Policy & Procedures (C. Albee; G. Fanciullo; K. Kidder; M. Viggiano)**

First meeting set for February 28th, 9 a.m., OPLC

Goal: Develop draft of criteria for prescribing & dispensing info. to be collected; delineate criteria for reporting to applicable health care regulatory boards for further investigation.

- c. **Data/Evaluation (J. Harding; E. Hirschfeld; J. Stewart)**

Goal: Identify draft measurements to show “effectiveness” and “usefulness” of the PDMP in reducing the misuse, abuse and diversion of controlled substances.

d. Legislation/Rules (D. DePiero; K. Frey; S. Gill; B. Osgood)

Goal: Identify draft legislation/rules that will improve utilization and outcomes of the PDMP.

- **New Business**

- a. **SB573 Update and Amendment Update (M. Ricco Jonas)**

SB573 was a bill sponsored by Sen. Bradley to allow the State's Medical Examiner and his/her delegates to have access to the PDMP. The initial hearing was held on Jan. 25th. It was reported out of the Senate Health & Human Services Committee as "ought to pass."

Sen. Guida proposed an amendment to this bill to move the PDMP to the Dept. of Health & Human Services. No action was taken on this by the Senate HHS Committee and it appears his amendment will die in committee. Senator Bradley mentioned in the hearing of this bill that much of the criticism found by the audit was not the fault of the BOP, but a lack of resources provided by the Legislature. This bill will be voted on by the full Senate this week and, if passed, should cross over to the House in early March.

- b. **Budget - Current Biennium Plan and Future Plan (M. Ricco Jonas)**

The Program will need to submit a revised budget to Administrative Services by Feb. 23rd to make their March 16th meeting, and the March 21st Governor & Council meeting. Approval for two staff analysts ends March 30th. A small surplus due to 2015 savings might be used to hire an analyst in July 2018 (SFY '19). This would require a change of scope with our federal grant.

The future budget proposal would move 5% of certain Boards' licensing fees to the PDMP (about \$107,000 per year for two years). This will require Legislative approval. The balance of funding (the BOP proposal to increase licensing fees for out-of-state pharmacies) only requires JLCAR approval.

- **Old Business**

- a. The election of A.C. officers is on hold until the Board of Pharmacy has completed their rules update, as this measure is part of the proposed, new rules.

- b. At the Jan. meeting, a discussion took place regarding the BOP request that the A.C. make a recommendation regarding the mandatory e-prescribing of controlled substances. There seemed to be strong support for this measure. Chairman Strang asked that representatives of the State's licensing boards report back on e-prescribing and whether their boards had any concerns before the A.C. undertook a vote. There being no concerns raised, M. Viggiano moved to recommend that the BOP pursue mandatory e-prescribing for controlled substances. Second by E. Hirschfeld. All in favor.

NY recommends a good waiver system be in place in the event of disasters where e-prescribing is unworkable (e.g. super storm Sandy).

- c. M. Bullek stated the audit mentions the requirement of a DEA license holder to register with the program. In other words, if a practitioner with a NH-based DEA license *doesn't*

register with the program, there can be discipline by the BOP. The BOP is reviewing this.

- d. M. Bullek feels we need traction on our on timeline with the PDMP audit. The funding portion is moving forward (see New Business, b). IT issues still plague us, but may be resolved by additional monies.
- e. D. Strang asked about the letter requested from the AG's office re: whether the PDMP and/or compliance units of the State's licensing boards can turn over evidence of illegal activity to law enforcement. Per M. Ricco Jonas, investigation material can be turned over to law enforcement, as long as it does not include PDMP data.
- f. The BOP also plans to send out a letter stating that PDMP info can be placed in the medical record. Since the original cease and desist letter came from the BOP, then the BOP should be the body to rescind it. D. DePiero suggested adding this letter to the websites of the State's licensing boards to get the word out.
- g. Re: adding Naturopaths to the A.C., Legislative action would be needed to change the statute. D. Strang asked if there is interest from this group to sit on the A.C. and if so, is there someone who can attend regularly? M. Bullek will explore this at his meeting with them next month.

- **Items of Interest**

- D. Strang will be updating the BOP re: the A.C. efforts on the Audit Plan, at their meeting on Wednesday, February 21st.
- D. DePiero reported that McKesson has implemented a public education campaign.
- Our agreement with the Institute of Health Policy and Practice (IHPP) has come to an end. Our contact there (Abbott Willard) has taken a new position. His analytic services will need to be replaced.
- The Health Resources and Services Administration (HRSA) wants to collaborate with the PDMP, regarding the identification of substance abuse issues. Funding from this group may help to pay for some of our needed enhancements.

- **Next Meeting**

Date/Time: March 19, 2018; 3:00 p.m.

Location: Office of Professional Licensure and Certification

- **Adjournment**

Motion to adjourn at 4:48 p.m. by C. Albee. Second by K. Kidder. All in favor.

Respectfully submitted,



David E. Strang, MD
Chairman