

NH PDMP Advisory Council Meeting
June 19, 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
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) 4:00 pm
Eric Hirschfeld, D.D.S, NH Dental Society (*via phone*)
Denise Nies, Executive Director, NH Board of Nursing (BON)
Jonathan Stewart, Community Health Institute (CHI) 3:35 pm
David Stowe, DVM, NH Board of Veterinary Medicine
Michael Viggiano, RPh, State Pharmacy Associations

Advisory Council Members Absent:

Richard Crate, NH Police Chiefs' Association
John Wheeler, MD, Board of Medicine (BOM)

Also Attending:

Michelle Ricco Jonas, PMP Program Manager
Nicole Gaffen, MPP Performance Auditor
Jim Giglio, TTAC (via phone)
Steven Grady, Office of Legislative Budget Assistant, Audit Division
Patrick Knue, TTAC (via phone)
Beth Sargent, lobbyist NHPA

The meeting began at 3:09 pm

• **Introductions**

• **Review & Approve Minutes**

- May 15, 2017: Motion by C. Albee. Second by D. Stowe. All in favor.
C. Albee mentioned that although Chairman Strang reviewed the April & May minutes for content, as he was Chair pro tem for those meetings, he should be the signatory of the minutes for those meetings. D. Strang will provide unsigned final drafts to him for signature.

- **Sub Committee Reports**

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

General activity regarding PDMP data migration was reviewed. There is lots of work going into this process, which is requiring regular, weekly meetings. The migration process will focus primarily on dispensers.

A draft of a proposed letter to dispensers regarding software system changes, required data input, etc. was presented. Code 99 (payment method) will no longer be accepted. Date Rx sold will now be a required field. There was more discussion around data integrity changes going forward.

M. Ricco Jonas distributed a draft letter to account holders informing them of the upcoming migration and the changes to their account that this will entail.

The NH PDMP now has an email address: nhpdmp-info@apprisshealth.com, as well as a general phone number (271-2350).

There have been five requests from regulatory boards and one from a patient for records from the PDMP. There was discussion around the data request process for law enforcement. B. Belanger reviewed the difference between warrants, court orders and subpoenas and how PDMP data might subsequently hold up in court if these different mechanisms were used. She stated that the (search) warrant is the best mechanism because it is more compliant with the legal process (i.e. demonstrating a valid legal need for this information). There was discussion regarding M. Bullek's role as both the Executive Director and the Chief of Compliance for the BOP and whether this may create a conflict. Prior to the PDMP's inception, the Executive Director was not in charge of compliance. We are awaiting clarification from BOP counsel re: this issue. C. Albee made a motion requesting that attorneys from the various licensing boards meet with M. Ricco Jonas to agree on how to properly share information (not first requested by law enforcement) and have proper language in place. Second by M. Bullek. All in favor.

The PDMP originally requested \$100,000 from General Funds. \$130,000 was recently authorized for the enhancements mandated by last year's legislative blitz, but it does not solve the issue of where we will obtain the necessary funds for ongoing operational costs, once Federal grant money dries up. M. Bullek discussed the option of levying a fee on DEA licenses for both in-state and out of state registrants who conduct business in New Hampshire. There was discussion about how this might be implemented, how it would be received, and what other states do to fund their programs. TTAC has a list of funding mechanisms that other states use and can share this with us. The Legislature has set a deadline of November 17th for us to deliver a plan for future funding options. The possibility of assistance from the Medicaid fraud fund was also raised. D. Strang reminded all that this program certainly saves Medicaid (and all insurers for that matter)

much money than it costs, as diverters and doctor shoppers have certainly learned by now that they can no longer easily obtain controlled substances for personal use and/or sale because program use is mandated prior to the writing of most opiate Rxs. This naturally saves millions of dollars in needless exams, lab tests, x-rays, etc. But, can we prove that the PDMP is reducing Medicaid fraud or is this a common sense argument? The question was asked if other states have been able to prove this point. B. Belanger will research this in her position in the NH Medicaid Fraud Unit. Much discussion here with cause and effect, costs, etc. A Sub-Committee of M. Bullek, J. Stewart, K. Frey, B. Belanger, J. Harding and D. Strang was created to review & discuss future finance options. A first meeting is planned in the next 2-3 weeks in order to provide recommendations to the A.C. by their Sept. meeting, to allow the BOP to approve at their Oct. meeting, thereby allowing us to meet the Legislature's Nov. 17th deadline.

PDMP Rules (M. Ricco Jonas)

Public comment session is likely to occur in July. No definite date has yet been set to go before JLCAR. Possibly in September?

Evaluation (J. Stewart)

A survey monkey for dispensers is ready to go. J. Stewart distributed a draft of the email that will accompany the survey participation request.

We are in the process of doing the first "data pull" and things have "lined up well."

Legislative (K. Frey)

SB 291 has been passed and signed. She also stated that Gov. Sununu has signed the "needle bill" into law (allowing clean needle exchange). There are no funds to pay for this though.

• **Old Business**

Audit process was reviewed by Mr. Steven Grady MPA, MSS. He spoke of sending out a survey regarding operations of the PDMP. This will contain the substance of the audit, legislature reviews, etc. Field work on the audit will last three months. This will show if the PDMP is meeting expectations re: compliance, statutes, performance, other concerns, etc.

• **New Business**

M. Ricco Jonas stated that several A.C. members had expressed interest in changing our meeting schedule to quarterly/less frequent than monthly. Discussion ensued. D. Strang expressed concern that there was too much to be done now with the audit and ongoing funding to reduce the meeting frequency in the next few months, but this might be a possibility after this calendar year.

Next Meeting:

Date/Time: July 17, 2017; 3:00 p.m.

Location: Office of Professional Licensure and Certification

- **Adjournment:**

Motion at 5:06 pm by C. Albee. Second by B. Belanger. All in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "David E. Strang MD". The signature is written in black ink and is positioned to the left of the typed name.

David E. Strang, MD
Chairman