

**NH PDMP Advisory Council Meeting
September 17, 2018
OPLC/NH Board of Pharmacy**

Meeting Minutes

Advisory Council Members Present:

David Strang, MD, Chair, NH Medical Society (NHMS)
Stephen Crawford, DVM, Board of Veterinary Medicine (BOVM)
David DePiero, NH Hospital Association (NHHA)
Kate Frey, New Futures
Sean Gill, NH Attorney General's Office, Dept. of Justice (DOJ)
Joseph Harding, NH Dept. of Health and Human Services (DHHS)
Bradley Osgood, NH Police Chiefs' Association
Michael Viggiano, NH State Pharmacy Associations

Advisory Council Members Absent:

Gil Fanciullo, MD, NH Board of Medicine (BOM)
Eric Hirschfeld, D.D.S, NH Dental Society
Kitty Kidder, APRN Vice Chair, NH Board of Nursing (BON)
Andy McKibbin, DMD, NH Board of Dental Examiners
Jonathan Stewart, Community Health Institute (CHI)
Candace White-Bouchard, Public Member, NH Board of Pharmacy (BOP)

Also attending:

Michael Bullek, Executive Director, NH Board of Pharmacy (BOP) (3:58 p.m.)
Michelle Ricco Jonas, Manager, NH PDMP
Mark Cioffi, Analyst, NH PDMP
Joanie Foss, Administrative Assistant, NH PDMP
Rebecca Bolton, NH Dept. of Internet Technology (DOIT)
Sebastian David, Pharmacy intern, MCPHS
Jim Giglio, TTAC (via phone)
Pat Knue, TTAC (via phone)
Beth Sargent, Lobbyist, NHPA, State NH Police Chiefs

The meeting began at 3:10 p.m.

• **Introductions**

A roll call of the A.C. members was made. Those in the public gallery were introduced. A special welcome was made to Mark Cioffi who started his role as the PDMP data analyst on August 31st.

- **Review & Approve Minutes**

August 20, 2018: Motion by J. Harding to amend the draft minutes by changing “methadone” to “buprenorphine/Suboxone” on page 3, line 7. Second by M. Viggiano. All in favor.

Motion by J. Harding to accept the draft minutes as amended. Second by B. Osgood. All in favor.

- **Old Business**

- Strategic Plan Update

M. Ricco Jonas reviewed the plan, updating it after the work session from last week with J. Harding and D. Strang. Once completed, the plan is to present this document to the A.C. and the BOP for an initial review at their respective meetings in October. The BOP will have a final review at their November meeting.

- **New Business**

- 1) Advisory Council – Revision to Rules, Makeup & Purpose

M. Ricco Jonas provided a handout, entitled the “NASCSA PDMP Model Act” to show what other states have asked their Advisory Councils’ to do. This has also been shared with the BOP.

As a result of the audit, M. Bullek, in conjunction with the BOP, has proposed changing the composition of the A.C. There is thinking by members of the BOP that all (8) regulatory (licensing) boards should be represented (medicine, dentistry, nursing, optometry, podiatry, veterinary medicine, naturopaths & pharmacy). They propose 5 additional seats to be filled by BOP appointment, for a total of 13 seats. Term limits, which are used on many State Boards and Committees, have also been proposed, along with new duties for the A.C. These would require changes in legislation (statute) before new rules supporting these modifications could be put in place. The A.C. was asked for their input on these proposed changes.

- Discussion:

J. Harding: As things have changed from 6 years ago when the A.C. first began meeting, what is the role now of the A.C.? What is the vision going forward?

M. Ricco Jonas reviewed what other states do, who is on their Advisory Councils, how often they meet, and various other Advisory Council functions.

J. Harding felt we need to get a clear idea from the BOP as to what their position is on the future of the AC.

K. Frey felt that attempting to make wholesale changes to the makeup of the A.C. would not be well received by the Legislature. She motioned to table this discussion until we hear from the BOP regarding final outcomes from our Strategic Planning Session. From there, we can determine the (new) function(s) of the A.C. She also recommended that the BOP send a representative to our October 15th meeting to discuss this further. Second by M. Viggiano. All in favor.

S. Crawford reminded all that the deadlines for the Legislative session requires some decisions by mid-November. Filing period closes on/about November 17, 2018.

M. Ricco Jonas asked the A.C. members to pay close attention to the document re: proposed changes to the rules, as the BOP is already looking at this and feels they have the statutory authority to implement these changes, with the exception of "membership" (Ph1507.01).

Re: term limitations, D. Strang requested that we ask our legal counsel, Tom Broderick, about Ph1507.02a. Is this a rule or does it need to go into statute? When does a 5-year term begin?

Ph1507.04 (reporting to the BOP). Does the Chair of the A.C. need to physically attend BOP meetings quarterly? Is M. Ricco Jonas' presentation sufficient? Would the BOP representative to the A.C. (currently C. White-Bouchard) suffice?

2) Other Proposed PDMP Legislation

M. Ricco Jonas discussed concerns about pharmacists who are not dispensing in their work roles (e.g. those working in compliance, the insurance industry, retirees, etc.), but our law requires them to register, but they cannot access the PDMP because they are not dispensing. Currently, there is no mechanism to remove them from the registered dispenser roles. Additional statutory language would be required to eliminate those RPhs who currently have to register, but do not work in the role of a dispenser. M. Ricco Jonas would like to "refine" who has access to the PDMP, which is also a privacy issue. She feels the definition of a dispenser with exemptions should be the path that we follow.

D. DePiero reminded all that RPhs performing inpatient medication reconciliation/DUR are not dispensing, yet often need to use the PDMP. Lots of discussion ensued around this topic.

M. Ricco Jonas also revisited the issue of mandated dispenser utilization. Although the A.C. voted to encourage, but not mandate usage at this time at their July meeting, the BOP may go forward with this mandate anyway.

Research on opioid treatment programs was discussed. Whether NH should have Medication Assisted Programs (methadone and buprenorphine) be required to query the PDMP was also discussed at length. There was pushback at a recent public hearing on this, particularly from the NH Medical Society. The NH Board of Medicine is apparently very much in support of it though. D. Strang and J. Harding may discuss this with Jim Potter at the Medical Society.

Should licensed personnel who treat addiction and substance abuse have access to the PDMP (with consent of their patient), if use of its data falls within their scope of practice? This was discussed briefly without any conclusions made.

M. Ricco Jonas discussed adding statutory language to allow the sharing of *identified* data with other agencies, for the purpose of creating de-identified observations for public

consumption, public policy formulation, geographic substance abuse data to (for example) identify where resources should be placed, etc. J. Harding was very much in support of this, but D. Strang voiced significant concerns and did not feel that any of these proposed outcomes required an outside agency to have access to identified data. Strict protection of identified data was a promise that was made to the legislature 6 years ago when SB286 was passed in 2012, and he foresees significant pushback from privacy advocates if we renege on this promise. More discussions ensued around this proposed change in policy.

Options for streamlining law enforcement access were discussed, but no decisions made.

Integration of the PDMP into electronic medical records was discussed again, along with e-prescribing of controlled substances. S. Crawford mentioned that EHRs are not consistent and most Vets do not use them. Furthermore, naturopaths will likely be unfamiliar with their use. M. Ricco Jonas mentioned that EHR usage is not mandatory. D. Strang also mentioned that e-prescribing was not dependent on the use of an EHR. They are separate, independent tools.

- **Items of Interest**

None brought forward.

- **Next Meeting**

Date/Time: October 15, 2018; 3:00 p.m.

Location: Office of Professional Licensure and Certification

- **Adjournment**

Motion to adjourn at 5:00 p.m. by D. DePiero. Second by K. Frey. All in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "David E. Strang MD". The signature is written in dark ink and is positioned above the typed name.

David E. Strang, MD
Chairman