

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
STATE OF NEW HAMPSHIRE  
**DIVISION OF HEALTH PROFESSIONS**  
**PRESCRIPTION DRUG MONITORING PROGRAM**

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**MINUTES FROM THE PRESCRIPTION DRUG MONITORING PROGRAM  
ADVISORY COUNCIL DECEMBER 16, 2019 MEETING**

The December 16, 2019, meeting of the PDMP Advisory Council (the “Council”) convened at 3:06 p.m. at the Office of Professional Licensing and Certification, 121 South Fruit Street, Concord, New Hampshire with the following members present and eligible to vote:

**Council Members Present:**

Chairman David Strang, MD, NH Medical Society  
David DePiero, NH Hospital Association  
Kate Frey, Governor’s Commission on Alcohol & Other Drugs  
Joseph Guthrie, NH House of Representatives  
Dennis Hannon, DDS, NH Board of Dental Examiners  
Joseph Harding, NH Department of Health and Human Services  
Nicole Harrington, RPH, Commissioner, NH Board of Pharmacy  
Bradley Osgood, NH Police Chiefs’ Association  
Daniel Potenza, MD, NH Board of Medicine (via phone - out-of-state)  
Donna Roe, DNP, APRN, BC, CEN, NH APRN Society  
Annika Stanley-Smith, Governor’s Commission on Alcohol & Other Drugs (via phone -  
prior commitment)  
Claire Timbas, DVM, NH Veterinary Medical Association  
Michael Viggiano, RPH, NH State Pharmacy Associations

**Council Members Absent:**

Stephen Crawford, DVM, NH Board of Veterinary Medicine  
Sean Gill, NH Attorney General’s Office  
Robert Giuda, NH Senate  
Richard Osborne, NH House of Representatives  
VACANT, NH Board of Nursing  
VACANT, NH Dental Society

**Others in Attendance:**

Lindsey Courtney, OPLC, Director, Division of Health Professions

Michelle Ricco Jonas, Program Manager, NH PDMP

Joanie Foss, Administrative Assistant, NH PDMP

Jon LaVallee, Esq., NH Attorney General's Office (Attorney for the Council)

**I. Review of October 21, 2019 and November 18, 2019, Council Meeting minutes.**

The October 21, 2019 draft minutes were re-submitted to the Council for review and approval. Motion by J. Guthrie to accept the draft minutes. Second by D. DePiero. Roll call vote 13-0 in favor.

The November 18, 2019 draft minutes were submitted to the Council for review and approval. Motion by J. Harding to accept the draft minutes. Second by D. Hannon. Roll call vote 11-0-2 in favor. (J. Guthrie and N. Harrington abstained, as they were not in attendance for this meeting.)

**II. Updates:**

**a. PDMP Legislation**

L. Courtney noted that there were no changes with the bill (later identified as SB 676) that would permit PDMP data sharing with DHHS, since the last draft viewed by the Council.

L. Courtney noted a meeting was set up with Senator Sherman regarding the bill to support EHR integration (also later identified as SB 676) and there was some initial pushback due to privacy concerns. Initial language suggested that providers get consent from patients prior to querying the Program. Language was changed to just posting a notice in the practitioner's office area that a patient's controlled drug history might be queried in the PDMP. J. Harding would like more discussion about the possible ramifications of this language and would like this to be an item on the agenda at the next meeting. D. Strang noted that this request for consent language at this meeting took many by surprise, as it goes to the very basis for the PDMP, which was fully debated 7-1/2 years ago. M. Ricco Jonas noted that some states use office lobby posters for patient education and not necessarily for consent.

Additionally, L. Courtney noted that the Omnibus Bill being supported by OPLC would change the A.C. term limits to three, 3-year terms and the Executive Director would have authority over PDMP tasks similar to what they were prior to SB120.

**b. E-Prescribing Legislation**

D. Strang noted HB 1332 would require all controlled substances to be e-prescribed. Several amendments to the bill have already been proposed and

include: 1) 60 days after passage will be amended to 1 year after passage. This will allow prescribers the time to purchase necessary software; 2) Striking the exemption for out-of-state prescribers given that many other states already mandate e-prescribing. It is felt that out-of-state prescribers should also be required to e-prescribe controlled substances into NH pharmacies.

C. Timbas asked whether veterinarians would have any exceptions/waivers. D. Strang noted that they thought of exempting veterinarians all together but decided not to, as most veterinarian practices have internet access and should be able to cover the minimal cost necessary to implement this measure.

D. Potenza asked if there is any difference between inpatient (administering) and outpatient (dispensing) prescribing. D. Strang noted this measure would not apply to inpatient settings. D. DePiero suggested exempting a facility dispensing less than a 48 hr. supply from this measure, much like the exemption from PDMP uploading.

Discussion on E Prescribing legislation:

K. Frey questioned if the Council should be supporting the bill, especially one that she feels is not directly connected or related to the function and role of the PDMP. Additionally, K. Frey noted that the Council has not taken positions like this before.

D. Strang stated that as the measure would directly cut down on fraud and diversion, that he felt it was connected to the PDMP. He therefore thought it was the Council's role to review this and mentioned that Rep. Gary Merchant had specifically asked the Council to do so. Furthermore, he reminded the members that the recent audit criticized the A.C. for not voting more often.

M. Ricco Jonas added a point of clarification in that the Council's role is to make recommendations regarding policy and deliver those recommendations to the Executive Director of OPLC. She felt that the OPLC Executive Director would therefore determine the A.C.'s support for any measure. D. Strang disagreed with her point and noted that the Council is a separate entity and as such, can either support or not support legislation even if the Council's views are different from that of OPLC's. Additionally, the Council historically has weighed in on proposed legislation and that this measure would potentially reduce diversion much like the PDMP does. He also stated that clearly if there was a disagreement with OPLC on whether to support a measure, a conversation should ensue.

J. Guthrie noted that not everyone knows what the bill is about and that information is needed and welcomed from experts on the issue. He therefore is asking for the Council's input on the issue, as he believes it is of value.

D. Strang asked if there was a motion of support for this bill.

D. Potenza, C. Timbas and N. Harrington all requested to bring this bill back to their respective boards to discuss before voting on the measure.

J. Harding stated he would abstain from any vote since he has been instructed by the DHHS leadership not to take a formal position on proposed legislation. However, he indicated he would take the bill back to DHHS leadership and ask for their guidance on a future vote.

D. DePiero asked if D. Strang would also need to take this back to the Medical Society for their support of the bill. D. Strang responded that he has no restrictions from the Medical Society re: voting on various measures. He will inform Rep. Gary Merchant of the deferred decision until the next meeting and the Council's decision at that point.

### **III. Review of NH PDMP Strategic Plan status report**

M. Ricco Jonas reviewed the progress to date with the PDMP Strategic Plan. See the full Strategic Plan Status Report attached, with the exception of the following suggestions/questions/comments made to performance measures during the review.

#### Performance Measures - ACCESS:

- By the end of December 2019, a registration audit will be conducted and a registration report provided to each regulatory board.

STATUS: A draft policy and procedure (P&P) was developed along with an ACCESS database that will allow the PDMP staff to follow up and track the results/effects the PDMP data had. (e.g., a licensed provider was fined, or their license was suspended).

Pending – the P&P to be reviewed by OPLC administration.

J. Foss and M. Cioffi are working on auditing various boards to make sure that licensees who are required to be registered are and if not, a list is being sent back to the board to inform them. The PDMP is working with the boards to share the same language and process to get people registered. D. Strang asked how soon the Council could have a read out on compliance with various boards. M. Ricco Jonas stated the Council could possibly have a read out by March 2020.

#### Performance Measures – EDUCATION AND SUPPORT:

- By December 2019, the PDMP will provide a Power Point training that can be posted on each regulatory board's site that will cover PDMP use, report access and delegate utility.

STATUS: This Power Point training is currently in draft form with the objective to be final by the end of December and posted in January 2020. It is a version taken from previous slide presentations but being adapted to include narrative content.

D. Strang asked what are some of the common questions asked at a training? M. Ricco Jonas replied it was “how do I manage my delegates.” D. Strang asked if the Program has received any questions on how to interpret the data? M. Ricco Jonas responded that the Program has not received as many questions on data interpretation now as it did when the Program first started.

- July 2019, launched Provider/Dispenser Alert, while reviewing data for “alert fatigue” on the other two alert measures.

STATUS: This alert has not been released to date and is now somewhat incorporated into the Prescriber Practice Report. The Program will review if there is any duplication and if not, will plan to release this alert by January 2020.

- By July 2020, evaluate the impact of the receipt of the alert.

STATUS: Based on release above, evaluation will commence from January 2020 – July 2020.

D. Strang asked how the PDMP would evaluate the impact of the receipt of the alert. M. Ricco Jonas explained the PDMP plans to do the evaluation via a survey.

### **Conversation Regarding Input on Dispensation of Clinical Alerts**

M. Ricco Jonas asked for input from Council members on how providers could receive alerts. The options are to send the alerts out to the PDMP’s provider-landing page, through email or both. If a provider receives it in the system, they would only see the alerts if they log into the system and open up their “alerts”. The Program would get a report if they opened the alerts or not. If the alerts are emailed directly to the providers, there is a choice as to whether they open them or not and the Program would not have a way to track this. The other concern is the potential for the very large amount of alert emails that a provider could receive in their email inbox.

Questions from Council members included:

- How many emails could a provider receive each day?  
A: The data will be reviewed at the next Council meeting.
- Would it be possible for a provider to get an email stating how many alerts they have in the PDMP waiting for their review?  
A: Currently the system is not set up for this.
- What are other states doing if the providers are not paying attention to the alerts?  
A: If they are not opening their reports after a certain amount of time, the PDMP would get a notice that a prescriber is not opening their alerts. The

PDMP would then need to go to the appropriate licensing board with this information and the board would have to decide what the ramifications would be.

- Have we run the reports yet? Do we know how many reports providers would receive?

A: Preliminary data was provided by APPRISS

- Can we review the preliminary data from June again to see how many prescribers are involved and how many alerts a single prescriber would receive?

A: Preliminary data will be provided to the Council at their next meeting.

- Can the algorithm be reviewed? Instead of 3 providers or 3 pharmacies, can we adjust it to 5 or 5?

A: This topic will be on the next meeting agenda.

#### **IV. Recommendations for future PDMP system functionality.**

Deferred to the next meeting

As requested by the new A.C. members at the October 2019 meeting, D. Strang reminded the Program Manager to be sure to send the last six months of minutes to those new members. M. Ricco Jonas will do this and will also send the PDMP web link and a financial disclosure form to D. Roe.

Next meeting: February 10, 2019, at 3:00 p.m.

J. Guthrie motioned to adjourn the meeting at 4:58 p.m. Second by D. DePiero. The Council voted unanimously to adjourn the meeting at 4:58 p.m.