

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

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UNAPPROVED DRAFT

**PRESCRIPTION DRUG MONITORING PROGRAM ADVISORY COUNCIL
PUBLIC MINUTES OF THE APRIL 20, 2020, MEETING**

The April 20, 2020, meeting of the PDMP Advisory Council (the “Council”) convened at 3:05 p.m. via ZOOM meeting through 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
Stephen Crawford, DVM, NH Board of Veterinary Medicine
David DePiero, NH Hospital Association
Kate Frey, Governor’s Commission on Alcohol & Other Drugs
Sean Gill, NH Attorney General’s Office
Robert Giuda, NH Senate
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
Richard Osborne, NH House of Representatives
Bradley Osgood, NH Police Chiefs’ Association
Annika Stanley-Smith, Governor’s Commission on Alcohol & Other Drugs
Claire Timbas, DVM, NH Veterinary Medical Association

Council Members Absent: Donna Roe, DNP, APRN, BC, CEN, NH APRN Society
Daniel Potenza, MD, NH Board of Medicine
Michael Viggiano, RPH, NH State Pharmacy Associations
VACANT, NH Board of Nursing
VACANT, NH Dental Society

Others in Attendance:

Lindsey Courtney, Interim Executive Director, OPLC Michelle Ricco Jonas, Program Manager, NH PDMP
Joanie Foss, Administrative Assistant, NH PDMP
Mark Cioffi, Program Analyst, NH PDMP
Jon LaVallee, Esq., Attorney General’s Office (Attorney for the Council)

I. Opening Statement – David Strang, Chairman.

The Chairman read a statement recommended by the Governor's office to all State agencies, boards, commissions, etc. during the Covid-19 crisis (see attachment at the end of the minutes). At the conclusion, M. Ricco Jonas called the roll to determine those in attendance.

Non-Meeting: S. Crawford moved to suspend the public meeting at 3:14 p.m. in order to receive advice from Atty. Jon LaVallee, attorney for the Council, which was seconded by R. Osborne. The Council voted unanimously via roll call vote (12-0) to suspend the public meeting. At 3:36 p.m., R. Giuda moved to resume the public meeting, which was seconded by S. Crawford. The Council voted unanimously via roll call vote (12-0) to resume the public meeting.

II. Review of Minutes.

Review of December 16, 2019, Council Minutes – N. Harrington made a motion to approve the edited version of the December minutes, which was seconded by D. DePiero. The Council voted via roll call vote (10-0-2) to approve the edited December 16, 2019, minutes. K. Frey abstained from the vote due to not having time to review the minutes and S. Crawford abstained from the vote due to not being present at the meeting.

Review of February 10, 2020, Council Minutes – S. Crawford made a motion to approve the edited version of the February minutes, which was seconded by R. Giuda.

The Council voted via roll call vote (8-0-4) to approve the edited February 10, 2020, minutes. K. Frey, R. Osborne, A. Stanley-Smith and C. Timbas all abstained from the vote due to absence from the meeting.

Post-vote Discussion: At the February meeting, J. Harding raised an item for this month's agenda and noticed that it was not mentioned in the February minutes as a topic he wanted discussed. D. Strang acknowledged that it was not on either the original draft version or his edited version and apologized for the oversight.

N. Harrington asked whether, if she was attending a meeting by phone and not part of the count to make quorum, she could still vote on the minutes from that meeting. D. Strang responded that as she had participated in the February meeting, she could vote on the meeting minutes.

R. Giuda asked about the process for when draft minutes are to be available. L. Courtney explained that dissemination of board and council meeting minutes will follow OPLC policy (that are currently in draft form) pursuant to **RSA 91-A: 4, IV**. She further explained that draft minutes are required to be posted to the SFTP site seven (7) days prior to the Council meeting for review by the members. Council members will be sent an email notifying them to check the SFTP site for them. M. Ricco Jonas will post directions on how to utilize the SFTP site on the NH PDMP web page for council members' reference.

D. Strang requested that after Council members reviewed the draft minutes, that they send their suggested edits to him and as Chair he would summarize all proposed edits into one document to present to the Council before the next scheduled meeting. He felt this process would streamline the editing process and also minimize the time it would take during a meeting to agree to any needed edits.

J. Harding recommended that no specific content be changed/removed unless the person who made the specific comment agrees to the changes/removal.

III. Discussion about the PDMP Obtaining Specific Opiate Death Data from the Office of the Chief Medical Examiner (OCME).

J. Harding requested this discussion be put on the agenda. He explained to the Council the impact that opioids have had on the citizens of our State. Ninety percent of the deaths that are opioid related are due to fentanyl (illicit). He further explained there is a strong correlation between patients that started out by becoming addicted to prescription opioids and then transitioned to street/illicit opioids. J. Harding highlighted three risk factors that have been sent out by the CDC and the Center for Medicare & Medicaid Services (CMS): (1) Use of 100 MME (morphine milligram equivalents) for 90 or more days; (2) concurrent use of benzodiazepines and opioids for more than 90 days and (3) getting prescriptions from three or more prescribers or getting prescriptions filled at three or more pharmacies (network prescriber/network pharmacies) in a 90 day period.

J. Harding felt that it would be helpful to know from a public health perspective, whether any of the State's opioid deaths had any of the above high risk factors in the decedent's history, at any time in the 3 years prior to their deaths

He also requested that the Council discuss if there was merit in requesting this data from the Medical Examiner's Office and if so, ask M. Ricco Jonas to contact the Medical Examiner's Office to discuss whether this data could be made available. The Council thought it would be helpful information and requested that M. Ricco Jonas follow up with ME's office to determine if there is a significant relationship between these risk factors and opioid deaths.

IV. Discussion of recommendations/advice as to what should be considered when OPLC creates a new program vendor Request for Proposal (RFP)

R. Giuda moved to schedule a special advisory council meeting to review the request for proposal planning document (Exhibit C: Requirements and Deliverables) on 4/27/2020 from 3:00-5:00 pm via a ZOOM meeting. D. DePiero seconded the motion. The Council voted via roll call vote in favor of the motion, 9-0-3 (K. Frey, R. Osborne and A. Stanley-Smith abstained from the vote as they had already left the meeting.)

M. Ricco Jonas will post the Exhibit C: Requirements and Deliverables document on the SFTP site for the Council's review. If she is unable to post it on the SFTP site by Wednesday (April 22), M. Ricco Jonas will send the document out via email.

D. Strang requested that M. Ricco Jonas send out a ZOOM meeting invitation to all Council members for the 4/27/2020 special meeting.

Discussion: N. Harrington shared her relationship with one of the vendors and asked if she should she recuse herself from the April 27th special meeting. D. Strang thanked her for her honesty and suggested that if she participated in the meeting, then she would likely need to agree to not share what was discussed, however he would ultimately defer this guidance to L. Courtney and J.. LaVallee for a legal opinion. L. Courtney suggested that N. Harrington consider how her

involvement may lead to someone later claiming a perception that a vendor could have had an advantage or received inside information due to a professional relationship with her. L. Courtney suggested an option would be to err on the side of caution and avoid any claims of favoritism by recusing herself from this process. N. Harrington decided to err on the side of caution, unless otherwise instructed differently from legal counsel and will recuse herself from reviewing any details of the RFP.

Other Items:

- M. Cioffi provided de-identified/aggregated data to the NH Medicaid office regarding dispensed anti-anxiety medications by all payers vs. Medicaid alone over the last two quarters. Analysis of this data showed an increase in all payer data and a higher increase with just Medicaid as the payer.
- J. Foss stated she was working diligently in registering the practitioners with the NH PDMP, who receive an emergency license in NH. She noted this has been somewhat of a manual process, however she has been very successful in working with the emergency licensing staff to coordinate this.
- D. Strang explained that some pharmacies are changing the days' supply on prescriptions. His Prescriber Report Card showed the change from a three day to a seven day prescription for one of his patients in August 2019. Upon contacting the pharmacy, D. Strang was told the change was made because insurance would only pay for a seven day supply. He believes this will skew the PDMP data and what is being reported on the Prescriber Report Cards. M. Ricco Jonas will look into this and discuss this with the Board of Pharmacy and the Insurance Commission. (Future meeting topic of discussion).

V. Special Meeting: April 27, 2020 3:00 – 5:00 PM

Review: RFP Exhibit C: Requirements and Deliverables (Vendor RFP)

VI. Next Meeting: June 15, 2020 3:00 – 5:00 PM

D. DePiero motioned to adjourn the meeting at 5:14 PM. B. Giuda seconded the motion. The Council voted unanimously to adjourn the meeting at 5:14 PM.

A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

(Presented at the April 20, 2020 NH PDMP Advisory Council Meeting)

As Chair of the NH PDMP Advisory Council, I am informing all present that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with his Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.¹ All members of the NH PDMP Advisory Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following: **Meeting ID: 773 348 0139; Password 600206**, or by clicking on the following **website address**:
<https://zoom.us/j/7733480139?pwd=OXEwRTBaZ0h5SWZKaHhSN0MzaXZSZz09>

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the **NH PDMP** (<https://www.oplc.nh.gov/prescription-drug-monitoring/council-meetings.htm>)

c) Providing a mechanism for the public to alert the Advisory Council during the meeting if there are problems with access:

If anybody has a problem, please **email Michelle Ricco Jonas** at: Michelle.RiccoJonas@oplc.nh.gov

d) Adjourning the meeting if the public is unable to access the meeting:

¹ Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General's Office.

In the event the public is unable to access the meeting, the meeting will be adjourned and either the problem corrected or the meeting will be rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

We will start the meeting by taking a roll call of attendees. When each member states their name, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law, also known as 91-A. Michelle, please call the roll.