



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
*DIVISION OF PUBLIC HEALTH SERVICES*  
***PRESCRIPTION DRUG MONITORING PROGRAM***

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**PRESCRIPTION DRUG MONITORING PROGRAM ADVISORY COUNCIL**  
**PUBLIC MEETING MINUTES**

The December 19, 2022, meeting of the PDMP Advisory Council (the “AC” or “Council”) convened at 3:00 p.m. at the Department of Health and Human Services, 29 Hazen Drive, Concord, New Hampshire as well as via ZOOM with the following members present and eligible to vote:

**Council Members in Attendance:**

Chairman David Strang, MD, NH Medical Society  
Tonya Carlton, RPH, NH Hospital Association  
Sarah Garland, DVM, NH Veterinary Medical Association  
Joseph Harding, NH Department of Health and Human Services  
Nicole Harrington, RPH, Commissioner, NH Board of Pharmacy (BOP)  
Matthew Kitsis, RN, NH Board of Nursing (BON)  
Gary Merchant, NH House of Representatives (via Zoom)  
Tom Ploszaj, NH House of Representatives  
Michael Viggiano, RPH, NH State Pharmacy Associations  
Kelly Whelan, MD, NH Dental Society  
Thomas Worboys, NH Attorney General’s Office

**Council Members Absent:**

Stephen Crawford, DVM, NH Board of Veterinary Medicine  
Jay Patel, DDS, NH Board of Dental Examiners  
Annika Stanley-Smith, Governor’s Commission on Alcohol & Other Drugs  
VACANT, NH APRN Society  
VACANT, Governor’s Commission on Alcohol & Other Drugs (public)  
VACANT, NH Board of Medicine (BOM)  
VACANT, NH Police Chiefs’ Association  
VACANT, NH Senate

**Staff in Attendance:**

Michael Holt, DHHS Administrator  
Shawn Jackson, Program Administrator, NH PDMP  
Joanie Foss, Administrative Assistant, NH PDMP  
Mark Cioffi, Program Analyst, NH PDMP  
Leslie Pond, Auditor, NH PDMP

**Others in Attendance:**

Haley Alder, Bamboo Health (via Zoom)

Kathy Bizarro-Thunberg, NH Hospital Association  
Taylor Derringer, Bamboo Health (via Zoom)  
Elizabeth Sargent, Sheehan Phinney Capitol Group (via Zoom)  
Caleb Schmidt, Bamboo Health (via Zoom)

## **I. Welcome – Introductions**

## **II. Review of September 19, 2022 Meeting Minutes**

T. Carlton made a motion to accept the September 19, 2022 meeting minutes. J. Harding seconded. The Council voted unanimously to approve these minutes. N. Harrington, M. Kitsis, M. Viggiano, and Rep. Ploszaj abstained as they were not in attendance for that meeting.

## **III. Old Business**

### **1) Baseline Trends in Prescriber’s Reports by Specialty (M. Cioffi, NH PDMP)**

M. Cioffi explained there are three specialty levels for prescribers. A level may be self-selected at registration, but prescribers are not required to choose all three levels. He showed the Council sample taxonomy codes by level and stated that the challenge is creating a baseline with the current quantity of specialties. T. Carlton asked if there was a way to streamline the specialty levels so there aren’t as many choices. M. Cioffi referred this question to H. Alder of Bamboo Health. She responded that the levels of specialties that are available to prescribers when they register is configurable. Chair Strang asked what the ultimate use of this data is. S. Jackson stated that the specialty selected determines the data that configures the prescriber report cards (peer to peer comparisons). H. Alder stated that the taxonomy code is a national standard, and that Bamboo can look into combining groupings that would make the most sense for prescribers in New Hampshire. M. Holt stated the difficulty is this is self-reported data and suggested working with Bamboo to find what is available for potential changes in the system. He stated that the PDMP will meet with Bamboo about this module and bring their findings back to the Council.

### **2) Update on E-prescribing and NH Board of Pharmacy (N. Harrington, NH BoP)**

N. Harrington reported that a letter clarifying the written controlled substance prescription exceptions based on the electronic controlled substance prescription requirements that went into effect in January of 2022, went out to all pharmacists via email from the NH Board of Pharmacy on October 4. She will send J. Foss a copy of the letter to email out to Council members. M. Holt asked if the waivers will be extended beyond January 1, 2023. Rep. Merchant stated that e-prescribing waivers became available January 1, 2022, and can be granted by a licensing board for a max. of 1 year. There are two parts to these waivers: The Federal part that is under Part D has no mechanism to waiver.<sup>1</sup> At the State level, waivers are available, but only for a max. of one year from the date a licensing board grants them. Many licensing boards are no longer granting such waivers.

### **3) Program Updates (S. Jackson & M. Holt, NH PDMP)**

#### **a. ASAP Update:**

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<sup>1</sup> Part D has a mechanism for a waiver.

S. Jackson stated that the ASAP 4.2b standard is being reviewed internally. The PDMP is proposing only to make changes to the ASAP standard for which there is a legally binding reason to do so. Proposed changes are being made to: DSP12 (transition type i.e. e-prescribing); AIR03-AIR05 (identification requirements). M. Holt stated that a date has not been determined to turn on the new standard. The PDMP will give at least 90-120 days from the point of announcing the change so that pharmacies can work with their health record vendors to make sure these changes are made.

**b. Reverification Update:**

Chair Strang gave a brief recap of “reverification.” S. Jackson continued by explaining that initially there were 6250 users that were failing validation for varying reasons. After an internal review and manual corrections, the number was reduced to 3020. The PDMP worked with Bamboo and four separate emails were sent to users that were on the reverification list that were failing validation. After further corrections the number was reduced to 2585. A deactivation was then performed in October and there were 1136 users deactivated due to DEA# not found or expired DEA#s. Due to a coding issue around license types and license numbers, final deactivation is on hold. Bamboo is working on the coding issue and the PDMP will move forward with deactivation once this issue is resolved.

**c. Gateway Integration Update:**

H. Alder reviewed the key Gateway metrics. To date, there are 245 facilities that are live within Gateway, all located in NH. As of November 2022, Gateway requests from NH totaled 361,371. November 2022 requests to NH from other states totaled 2,541,304. The first Gateway license was approved in March 2022 for the Veterans Health Administration (VHA), followed by the retail pharmacy chains in April of 2022. Pharmacists and physicians are the types of users that are most frequently using Gateway, followed by nurse practitioners and physician assistants. Currently 68% of patient requests are being generated through Gateway.

**d. Department-Requested Legislation:**

M. Holt explained that during the transition from OPLC to DHHS, not only did the program move but the authorizing legislation moved with it. In the transfer, the Department identified several “clean up” items that the PDMP wants to put forward as a legislative change for the upcoming 2023 session. The primary changes deal with language clean up from the transition. To summarize:

- Replace instances of “program administrator” with “commissioner of the department of health and human services” to reflect the appropriate entity for regulatory enforcement/litigation issues, consistent with other program operations administered by executive branch departments.
- Correct the name of the “Governor’s Commission on Alcohol and Other Drugs” referenced in the PDMP statutes.
- Repeal the definition of “chronic pain,” which is a term that is not used in the subdivision. Add it to RSA 318-B: 41, a section of law under the “controlled drug prescription health and safety program” heading that was not transferred to DHHS, and which references “chronic pain.”
- Repeal a section of law regarding prescriber competency requirements and continuing education that was improperly transferred to DHHS. Add it to RSA 318-B: 41, a section of law under the “controlled drug prescription health and safety program” heading that

was not transferred to DHHS, and which references prescriber continuing education. [Note: This used to be in RSA 318-B: 40, which now says “omitted.”]

- In addition, the following change relative to the release of PDMP data is recommended:
  - Allow the Department to release aggregate, de-identified PDMP data by county.

M. Holt explained that Senator Gray has agreed to take this legislation forward into the next session. Chair Strang had a question about the amendment to RSA 126-A: 93, I which reads “The Commissioner may authorize the program to provide information in the prescription health and safety program upon request only to the following persons:” his question is who are the “following persons?” M. Holt explained that the only thing being amended is the introductory line. Chair Strang reiterated his question as to who was on the list of “persons.” M. Holt stated that it was in the statute. Rep. Merchant validated that under Section 126-A: 93 there is a list of who can receive controlled drug prescription health and safety information. M. Holt asked Chair Strang to identify actions that the Council wants to take on the Department requests for legislation. Chair Strang stated that if the Department and the Council were going to put forth changes to statutory language it would be very helpful for the program if all were in agreement with the changes being put forward. Chair Strang asked for the support of the Council. Rep. Merchant expressed a concern about the words “the program” and stated that it implies multiple people could have access to the data. He suggested changing it to “program administrator,” meaning an individual within the program vs. “program” and therefore whoever the Commissioner wants to define as “the program.” M. Holt stated that the language in the bill which states the “the commissioner shall authorize the program to...” was a recommendation by the PDMP Advisory Council’s Legislative Sub-committee and was subsequently brought to the AG’s office and DHHS’ attorneys for approval. S. Jackson stated that as DHHS is a covered entity under HIPAA, everyone that works for the PDMP is therefore also bound by HIPAA. Chair Strang called for a formal vote. He read Sen. Gray’s proposed language change (see attached) and requested a motion to support it as read. Atty. Worboys made the motion. N. Harrington seconded. Chair Strang asked if there was any further discussion. Hearing none, he called the vote: 11 votes in favor, and 2 votes against. Chair Strang will present the Council’s vote to the specific Senate sub-committee that hears this when they meet.

**e. Rulemaking:**

M. Holt explained that the Rulemaking Sub-committee had met and that there were no draft rules to present to the Council at this time. He also stated that the NH APRN Society’s appointee (G. Harkless) had been a member of this Sub-committee, but was no longer an AC member. He asked if there was another Council member that was willing to take her place on this Sub-committee. There were no volunteers.

**4) Membership (D. Strang & S. Jackson)**

Chair Strang stated the following five Council seats are open: NH Senate - Chair Strang will reach out to Senator Bradley; NH Board of Medicine (BOM) - Chair Strang attended the October 5<sup>th</sup> NH BOM meeting and presented about the open position. There continues to be no appointment at this time. S. Jackson suggested going to the NH BOM meeting on January 5 as a team and will reach out to Chris Senko to have this item put on the agenda; NH Police Chiefs’ Association – Elizabeth Sargent announced that Chief Tad Dionne has agreed to serve on the Council. E. Sargent will send Chair Strang Chief Dionne’s contact information.

- 5) New Legislation: Advisory Council Role Relative to PDMP Rulemaking (G. Merchant)**  
Rep. Merchant explained that with input from S. Jackson, M. Holt, and Attorney John Williams, the LSR that Rep. Merchant filed has been modified to reflect all parties' concerns. M. Holt confirmed that the document that has been shared with the Council is the language that was agreed upon. Chair Strang read the changes to the Council. M. Viggiano made a motion to support this proposed legislative change. T. Ploszaj seconded the motion. The Council voted unanimously. J Harding abstained.

#### **IV. New Business**

**New Item:** Chair Strang handed out Financial Interest Statement (FIS) forms to all members for CY 2023. Those present at the meeting completed the form. The FIS needs to be received by the Secretary of State (SOS) before the Council members can legally vote. There was discussion as to whether individuals who serve on different State bodies need to complete a form for each position. Rep. Merchant stated he was informed that just one form submitted to the SOS was sufficient. M. Holt stated that for those AC members not present, it is up to the individual members to fill out, sign, and submit the form directly to the Secretary of State office. These forms are available on-line. Members should let the PDMP know when they have submitted their forms. The PDMP will provide a list to Chair Strang of who has submitted their forms before the next Council meeting.

##### **1) New Legislation: Modify Term Limit Language (Rep. Merchant)**

Rep. Merchant presented his LSR on the proposed language to modify the Council's term limits. Rep. Merchant asked Atty. Worboys if a statute would be needed to allow a Council member whose term limit has expired to remain on the Council until a replacement is found. Atty. Worboys suggested checking to see if other Councils have developed statutes when this has happened. Atty. Worboys stated he will go to the civil bureau and see if this situation has come up before. Chair Strang asked Atty. Worboys if he can come up with an answer by mid-January. Atty. Worboys will send any information he finds to S. Jackson who will then send that information out to the Council. Rep. Merchant stated that the NH BOP also has a five-year term limit, but when a public member's term expires, they were allowed to remain on the board for several months (until a replacement is named). M. Holt asked Rep. Merchant to see what type of authority the NH BOP has used to extend that term. Atty. Worboys suggested checking with the NH BOP.

##### **2) PDMP Annual Report (S. Jackson)**

S. Jackson gave a summarized version of the PDMP Annual Report: Registrants were up 8.4%; queries of the PDMP data were up 14%; number of opioid prescriptions are down; sedative prescriptions are down; stimulant prescriptions are up. Chair Strang asked if it was possible to get 2021 and 2022 data from the Office of the Medical Examiner (OCME) on stimulant death statistics. S. Jackson stated that he met with M. Holt, Jonathan Ballard NH DHHS Chief Medical Officer), Katja Fox (Director, Div. of Behavioral Health, DHHS) and Patricia Tilley (Director, DPHS) to discuss the increase in stimulant prescriptions. Chair Strang suggested looking at the data to see what specific specialty was prescribing more stimulants. He also suggested speaking with the OCME's office and asking them if they were seeing the same trends and how it might relate to overdose deaths. K. Bizarro-Thunberg stated that the OCME provides a quarterly report containing the latest drug death data that can be accessed through the DOJ-OCME's website. Chair

Strang suggested reaching out to the OCME to see if they have any specific data on the increase in stimulant deaths that has not been published. K Bizarro-Thunberg also suggested speaking with someone from the Governor's Commission on Alcohol and Other Drugs.

**V. Next Meeting Date/Time:**

March 20, 2023; 3:00-5:00 p.m.

The meeting was adjourned at 5:22 p.m.