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STATE OF NEW HAMPSHIRE
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DIVISION OF PUBLIC HEALTH SERVICES
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NH PDMP ADVISORY COUNCIL MEETING MINUTES

March 20, 2023

DHHS Offices – Rooms 311/312

29 Hazen Drive, Concord NH

3:00 – 5:00 pm

Council Members in Attendance:

Chairman David Strang, MD, NH Medical Society
Tonya Carlton, RPH, NH Hospital Association
Tad Dionne, NH Association of Chiefs of Police
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) (remote via Teams)
Gary Merchant, NH House of Representatives
Karen Prazar, NH NP Association
Claire Timbas, NH Board of Veterinary Medicine
Thomas Worboys, NH Attorney General's Office

Council Members Absent:

Jay Patel, DDS, NH Board of Dental Examiners
Tom Ploszaj, NH House of Representatives
Michael Viggiano, RPH, NH State Pharmacy Associations
Kelly Whelan, MD, NH Dental Society
VACANT, Governor's Commission on Alcohol & Other Drugs
VACANT, Governor's Commission on Alcohol & Other Drugs
VACANT, NH Board of Medicine (BOM)
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)

M. Holt prefaced the meeting by asking Council members if they would object to the meeting being recorded. There were no objections.

I. Welcome – Introductions

Chair Strang extended a welcome to new members Claire Timbas, representative for the Board of Veterinary Medicine; Karen Prazar, representative for the NH Nurse Practitioners Association; and Chief Tad Dionne, representative for the NH Association of Chiefs of Police.

Chair Strang mentioned that there are still three vacancies on the Council. The Senate still has to name a representative, as does the Board of Medicine and the Governor’s Commission on Alcohol & Other Drugs (public). S. Jackson informed Chair Strang that there are now two Governor’s Commission on Alcohol & Other Drugs (public) seats open as Annika Stanley-Smith has relocated out-of-state.

Chair Strang noted that quorum for today’s meeting is eight and there are ten members present.

II. Review of December 19, 2022 Meeting Minutes

Rep. Merchant requested the following amendments to the December 19, 2022 minutes:

- Page 5 under **1) New Legislation: Modify Term Limit**

“Rep. Merchant stated that the NH BOP also has a five-year term limit, but when a public member’s term expires, they **are** allowed to remain on the board for several months (until a replacement is named).”

Change to:

“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).”

- Page 2 under **2) Update on E-prescribing and NH Board of Pharmacy**

“There are two parts to these waivers: The Federal part that is under Part D has no mechanism to waiver.”

A footnote was added that reads:

“Part D has a mechanism for a waiver.”

M. Holt requested the following amendments to the December 19, 2022 minutes:

- Page 4 under **d. Department-Requested Legislation**

“S. Jackson stated that as **DHHS is covered by HIPAA**, everyone that works for the PDMP is therefore also bound by HIPAA.”

Change to:

“S. Jackson stated that as **DHHS is a covered entity under HIPAA**, everyone that works for the PDMP is therefore also bound by HIPAA.”

- Page 4 under **d. Department-Requested Legislation**

“He read Sen. Gray’s proposed language change (see attached) and requested a motion to **accept** it as read.”

Change to:

“He read Sen. Gray’s proposed language change (see attached) and requested a motion to **support** it as read.”

- Page 5 under 5) **New Legislation: Advisory Council Role Relative to PDMP Rulemaking**

“M. Viggiano made a motion to **accept** this proposed legislative change.”

Change to:

“M. Viggiano made a motion to **support** this proposed legislative change.”

- Page 5 under 2) **PDMP Annual Report**

“Patricia Tilley (Director, **DHHS**)”

Change to:

“Patricia Tilley (Director, **DPHS**)”

N. Harrington made a motion to accept the December 19, 2022 meeting minutes with these amended edits. T. Carlton seconded. The Council voted unanimously to approve these minutes as amended.

III. Old Business

1) Membership – NH BOM & Senate Rep. Vacancies (S. Jackson)

Chair Strang stated that in December he reached out to Senator Bradley requesting he name a replacement for the Senate seat. Chair Strang was able to confirm with the Senators assistant that this item is on the Senators list of things to do. S. Jackson attended the February NH BOM meeting and asked that the Board nominate someone to represent the NH BOM. They took no action on the matter. S. Jackson stated that there have been some changes at OPLC in regard to board administrators. Chris Senko is overseeing a number of boards currently. She is aware that this appointment is an important issue. Chair Strang stated that he has reached out to Lindsey Courtney and left her a voice message, asking for her assistance to get a BOM representative named. S. Jackson stated that there has not been a representative from the NH BOM since 2019. Chair Strang asked if there is a contact for the Gov. Commission on Alcohol and Other Drugs, S. Jackson stated that the contact is Patrick Tufts.

2) Legislative Update

- a. [SB 34](#), relative to the Controlled Drug Prescription Health and Safety Program (M. Holt)

M. Holt spoke about SB34 which is DHHS requested legislation. This is clean up legislation that needed to happen based on the transfer of the PDMP from OPLC to DHHS. The bill was heard by the Senate Health and Human Services Committee. M. Holt and Senator Gray both testified. The bill went to the Senate floor and the full Senate has approved the bill without any amendments. Following crossover to the House of Reps. for their consideration, presumably it will be heard at the House HHS and Elderly Affairs Committee. Rep. Merchant requested to meet with M. Holt offline to talk about potential amendments. M. Holt agreed.

- b. [HB 136](#), relative to the Department of Health and Human Services collaborating and holding a roll call vote on the final proposal of rules with the Advisory Council prior to departmental rulemaking (Rep. Merchant)

Rep. Merchant stated that HB136 has gone through the House and is now going to the Senate. Rep Merchant explained the bill was amended by the House to state “The department shall work in collaboration with the advisory council established under

RSA 126-A: 96 to adopt rules pursuant to RSA 541-A, and prior to the department adopting any proposed rule, the department shall provide the council an opportunity to hold a roll call vote in support or opposition to any final proposed rule adopted pursuant to RSA 541-A, necessary to implement and maintain the program including...”

- c. [HB325](#), relative to the Controlled Drug Prescription Health and Safety Program Advisory Council members (Rep. Merchant, T. Worboys)

Rep. Merchant stated that there are times when it is difficult to fill vacant A.C. positions. The bill as introduced would have allowed a member of the Council to remain a member until their replacement has been appointed, which could be indefinitely. HB325 was amended by the House to allow a member to remain on the Council until the appointment of their replacement for a time not to exceed six months from the expiration of their term. The bill was passed by the House and is on its way to the Senate. Att. Worboys contacted the Civil Bureau to see if this language was consistent with other State laws or rules and is awaiting an answer.

3) **Self-Selected Specialties in PMP Aware** (M. Holt)

M. Holt stated that at the December meeting the topic of utilization by specialty came up, specifically self-selected specialties. The PDMP reached out to Bamboo to see what if anything could be done to limit the self-selecting options. Bamboo Health explained that they use the Federal standard for specialties and to go through the process of determining and making changes to the specialties could be costly. M. Holt stated that there was essentially nothing in the current system to allow us even to explore the possibility of changing them. He stated that the discussion is not over, the issue has just been paused for now.

4) **OCME – Stimulant-Related Deaths** (S. Jackson)

S. Jackson spoke with the OCME (Office of Chief Medical Examiner). He stated they provide annual death data but they do not break it down to the level that the Council wants. The stimulant data that they publish is specific to cocaine and methamphetamine and not so much to prescription medications. S. Jackson provided K. Fallon at the OCME with the top four stimulant medications of concern that are increasingly being prescribed. What the OCME’s office found was that dextroamphetamine had no deaths in the last four years. The following are medications that can be reasonably attributed to a death rather than they were just in the decedent’s system. Methylphenidate had one death attributed to it in 2022 and one death in 2019. Phentermine had zero deaths in the four years that were looked at. Amphetamine was the primary drug of concern from that OCME publication. Fourteen total deaths in 2022 had amphetamine as a contributing factor to the death. Seven of those also had fentanyl. Six of those had fentanyl and methamphetamine, and only one of those was attributed to amphetamine alone. In 2020, there were seven total deaths with amphetamine. Three were mixed with fentanyl, three others had fentanyl and cocaine, and one was a mix of opiates and benzodiazepines. In 2019, there were ten total deaths with amphetamine as a contributing cause of death. Three that were in concert with fentanyl. Four were in concert with fentanyl and cocaine, and three were amphetamine with other drugs, but not methamphetamine. N. Harrington stated that fentanyl is becoming a prevalent ingredient that is being mixed with other drugs including marijuana. J. Harding asked if there was anything that could be attributed to overdose stimulant deaths. N. Harrington stated that one contributing factor could be that ADHD dispensing has increased since the beginning of the pandemic. Chair Strang questioned

whether stimulants were being inappropriately over-prescribed. S. Jackson said that there is going to be a new strategy put into the upcoming OD2A grant that will address stimulant use disorder. Chair Strang said he will speak with the NH Medical Society about this issue before the next Council meeting in June. M. Cioffi will look into the data to see if there is a trend for providers prescribing higher doses than normal.

5) **PDMP Updates** (S. Jackson)

Reverification/Deactivation

S. Jackson reported that the reverification process is finally complete. Deactivation happened on February 7 after months of going through reports, etc. to minimize the impact of the deactivation that would happen as a result of the reverification process. There were 2310 prescribers who still had access to the PDMP who did not meet the criteria to be registered with it. There was a large subset of providers that had issues with dates of birth and that was attributed to the fact that various licensing boards did not have a DOB in their database for the provider. The PDMP reached out to the OPLC licensing boards to request help filling in the missing DOB's.

ASAP 4.2B Transition

S. Jackson reported that the PDMP has completed the work of going through the ASAP 4.2B standards identifying all of the fields contained therein and what they needed to be as far as whether they were required, situationally required or not required in accordance with our statute. Communications have gone out announcing that the dispensation reporting requirements will be changing to the ASAP 4.2B reporting standard on July 1st. As a reminder, additional announcements will be sent out over the next few months. Through June 30th submitters may submit data in either the 4.2A or 4.2B format. Starting July 1st the submitter must submit data using the 4.2B format. Between July 1st and Sept. 30th submission errors for any newly required fields will be returned as a warning. Starting Oct. 1st submission errors for these fields will generate a file rejection error.

Program Administrator Announcement

S. Jackson reported that he will be leaving his position as the PDMP Program Administrator. He will remain under the same Bureau as the Section Chief for Rural Health and Primary Care. He stated he will continue to work with the PDMP until the transition is made to a new Program Administrator.

IV. New Business

ASAP 4.2B – Transmission Type

Chair Strang stated that with the new ASAP 4.2B standards coming into effect soon, transmission type will become a required field. Rep. Merchant stated that at the last meeting it was discussed how to find a way of monitoring the use of e-prescribing. He stated he looked at the Centers for Medicare and Medicaid Services (CMS) guidelines and they are looking for a 70% compliance level on a yearly basis. Rep. Merchant asked if there is a way for the PDMP to generate a report that can be shared with the licensing boards informing them where they stand and if they are in compliance with CMS required levels. M. Cioffi reported that currently compliance level is at 91% overall. He stated that there are some smaller boards that are not in compliance. He also stated that 97% of prescriptions currently have a record of transmission type. M. Cioffi will plan on reporting on the percentages for January through May at the June Council meeting. Rep.

Merchant stated that notifications should be sent out to the Boards that are in compliance, commending them on what a good job they are doing.

SB 34

Rep. Merchant spoke about SB 34, referenced earlier. He is in favor of amending the bill to change the word “program” to a specific person. He stated that a “program” cannot do anything, it is the people within the program that take an action. M. Holt stated that the Council discussed this issue at its last meeting in December and voted to support the bill as introduced. He requested that the topic be taken off-line as was agreed to earlier. Rep. Merchant stated that there were new members of the Advisory Council present who had not been part of that discussion and vote in December. Rep. Merchant and M. Holt will set up a meeting to discuss this topic.

V. Next Meeting Date/Time:

June 19, 2023 – 3:00-5:00 p.m.

The meeting was adjourned at 4:36 p.m.