

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

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**PRESCRIPTION DRUG MONITORING PROGRAM ADVISORY COUNCIL
PUBLIC MINUTES OF NOVEMBER 18, 2019, MEETING**

The November 18, 2019, meeting of the PDMP Advisory Council (the “Council”) convened at 3:05 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
Stephen Crawford, DVM, Board of Veterinary Medicine
David DePiero, NH Hospital Association
Kate Frey, Governor’s Commission on Alcohol & Other Drugs
Robert Giuda, NH Senate (in person until 3:30 pm; then via phone - other commitment)
Dennis Hannon, DDS, NH Board of Dental Examiners (via phone - weather related)
Joseph Harding, NH Department of Health and Human Services
Bradley Osgood, NH Police Chiefs’ Association
Donna Roe, DNP, APRN, BC, CEN, NH APRN Society (via phone – weather related)
Annika Stanley-Smith, Governor’s Commission on Alcohol & Other Drugs
Claire Timbas, DVM, NH Veterinary Medical Association
Michael Viggiano, RPH, NH State Pharmacy Associations

Council Members Absent:

Sean Gill, NH Attorney General’s Office
Joseph Guthrie, NH House of Representatives
Nicole Harrington, RPH, Commissioner, NH Board of Pharmacy
Richard Osborne, NH House of Representatives
Daniel Potenza, MD, NH Board of Medicine
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
Mark Cioffi, Analyst, NH PDMP

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

- I. Review of October 21, 2019, Council Meeting Minutes.** D. Strang expressed concerns regarding the number of errors present in the draft minutes presented to the Council for review. As a practice under another State committee, draft minutes were given to the Chair from the staff or assigned Council member to review for content and he was asked to continue this process with the NH PDMP. Therefore, as Chair he is requesting the Oct. meeting minutes be returned to the PDMP staff, corrected, and re-submitted to the Council next month. As Chair, he would like to review the minutes prior to their being submitted to the full Council.

L. Courtney explained that, to align the PDMP Advisory Council with the practices of the other OPLC boards, PDMP staff are to take minutes so that Council members can participate in the meeting and not concentrate on taking minutes. There should be no grammatical mistakes, formatting errors, or content duplication. This practice conforms with the standards that other boards follow. OPLC would prefer that PDMP staff clean up the October minutes and bring the revised minutes back to the Council at the December meeting for review and approval.

L. Courtney clarified that, under RSA 91-A, Council minutes are to be drafted within 5 days of a meeting and to be made available if requested. Minutes do not need to be posted until they are final and approved by the Council.

- II. 91-A Presentation—Jon LaVallee, Esq., Attorney General's Office and legal counsel to OPLC/PDMP.** The Council adjourned for a non-meeting session at 3:19 p.m. to meet with legal counsel. The Council reconvened into public session at 4:24 p.m.

III. Updates:

a. PDMP Legislation. L. Courtney noted that she is still working on draft language for EHR integration and sharing data with DHHS. Discussion ensued regarding eliminating language to store data for only three years. R. Giuda noted that EHR integration and data sharing with DHHS would be split into two bills (the statutory requirement that PDMP data be destroyed after three years would remain intact, and therefore, DHHS would not be able to store data after that timeframe). He is exploring requiring patients to consent to permitting the provider to review their PDMP profile in order to prescribe an opioid. D. Strang clarified that this "patient consent" would be incorporated into forms that a patient would have to sign, at the time of treatment.

b. CDC Grant (with legal opinion). The PDMP received communication from the CDC that addressed concerns in the Notice of Award (to the NH DHHS) surrounding data sharing. The CDC letter was vetted through legal counsel. The PDMP has been advised that it can accept grant funds and that there are

no concerns that it must therefore share identifiable information. Under this grant, the PDMP will receive \$875,000, annually for three years.

- IV. Review of NH PDMP Strategic Plan (mission statement, goals and objectives).** K. Frey noted that she agrees with the current plan and feels there is no need to change it. D. Strang asked members to take the time to review the Strategic Plan. The Council will discuss the Strategic Plan at the December meeting. M. Ricco Jonas will provide a progress update at the December meeting, as well.
- V. Formal plan for when Chair is absent/not present.** D. Strang noted that, in the past, he would just ask a member to run the meeting if he could not attend. A discussion ensued regarding having a Vice-Chair and the responsibilities of a Vice-Chair. Many agreed that there should be a Vice-Chair. Others thought the person filling in should be considered an “alternate,” so that any one of the Council members could participate as an alternate.
- J. Harding made a motion to designate an alternate Chair in the Chair’s absence, which was seconded by M. Viggiano. Discussion ensued regarding whether to have a permanent or non-permanent alternate. J. Harding moved to amend his motion to permit a member to serve as Chair Pro-Tem (non-permanent) alternate. This motion was seconded by M. Viggiano. The Council voted unanimously (12-0) via roll call to approve the motion as amended.
- VI. Plan for term limits for Chair.** D. Strang stated that R. Giuda, as part of the clean-up bill for SB 120, is proposing to change term limits to three, three-year terms for members. D. Strang recommended a three-year term for the Chair to conform with the new term limits in R. Giuda’s bill. S. Crawford moved to recommend to OPLC that the Chair term limit be three years. This motion was seconded by M. Viggiano. The Council voted unanimously (12-0) via roll call to approve the motion.
- VII. 2020 Meeting Schedule.** The Council reviewed the proposed meeting schedule. M. Viggiano moved to accept the meeting schedule as drafted, which was seconded by K. Frey. The Council voted unanimously (12-0) via roll call to approve the motion.
- VIII. Presentation of Final Annual Report.**

Next meeting: December 16, 2019, at 3:00 p.m.

M. Viggiano motioned to adjourn the meeting at 5:11 p.m. Second by S. Crawford. The Council voted unanimously to adjourn the meeting at 5:11 p.m.