

CONTROLLED SUBSTANCE MONITORING DATABASE
COMMITTEE MEETING
October 21, 2014
665 Mainstream Drive, Iris Room
Nashville, TN
Minutes

MEMBERS PRESENT

Dr. Michael Baron, Board of Medical Examiners, Chairperson
Dr. Reginald Dilliard, Board of Pharmacy
Dr. Richard Orgain, Board of Optometry
Dr. Jason Kizer, Board of Pharmacy
Dr. Kim Johnson, Board of Veterinary Medicine
Mr. Omar Nava, Committee on Physician Assistants
Ms. Rosemarie Otto, Executive Director, Health Related Boards
Ms. Pat Eller, Board of Medical Examiners, Vice Chairperson
Ms. Maegan Martin, Executive Director, Board of Medical Examiners

MEMBERS ABSENT

Dr. David Long, Board of Podiatry
Dr. Donald Polk, Board of Osteopathy
Ms. Joyce McDaniel, Board of Pharmacy
Dr. Katherine N. Halls, Board of Dentistry

STAFF PRESENT

Mr. Stefan Cange, Assistant General Counsel
Mr. Christopher Smith, Assistant General Counsel
Dr. Mitchell Mutter, Special Projects
Ms. Debora Sanford, Project Manager
Ms. Diona Layden, Deputy Director, Division of Health Licensure and Regulations
Ms. Denise Moran, Executive Director, Office of Investigations
Ms. Sheila Bush, Administrative Manager

The Controlled Substance Monitoring Database Committee convened on Tuesday, October 21, 2014, in the Iris Room, 665 Mainstream, Nashville, TN. Dr. Baron called the meeting to order at 9:06 a.m. and requested that each member introduce themselves. A quorum of the members was present.

Dr. Baron explained the importance of this committee and how the database is used as a clinical tool to help regulate over-prescribing.

Minutes

Dr. Orgain made the motion to accept the minutes from the July 15, 2014 committee meeting as amended. Dr. Johnson seconded the motion. The motion carried.

CSMD Director's Report

Dr. Dilliard stated that he would like to try and meet every other month because of the additional reports that will be required, the CDC grant and other factors that will require the committee attention and/or approval.

Dr. Dilliard informed the board that the previous director of the CSMD has resigned and that he hopes to start the interviewing process the week of October 31, 2014 and have someone in place by December 1, 2014.

Dr. Dilliard informed the committee that the queries for the database have remained constant for the year. The numbers for the fourth quarter are not complete. The CSMD queries compared to the law enforcement queries have remained the same. Dr. Dilliard asked Mr. Cange about the drug court pilot program. Mr. Cange stated that the drug court pilot program will allow the drug court to request information from the database. The pilot program will consist of three drug courts in Tennessee. Dr. Baron asked if the committee is privy to who law enforcement is making the request. Mr. Cange stated that the law enforcement request must list the patient's name and other information pertaining to the patient. Every six months a list of law enforcement requests is sent to the Tennessee Bureau of Investigation director and to compare the list to the open investigations that they have. Dr. Mutter asked if we are keeping a list of number of denials for request to the database from law enforcement. Ms. Sanford stated that we have not denied a law enforcement request. Mr. Cange stated that he has denied several request but they were not from law enforcement. Ms. Sanford stated that they are looking into enhancement so that law enforcement can look them up themselves but still with the approval of the CSMD resource. Ms. Martin asked if the law enforcement request is only for law enforcement in Tennessee or can law enforcement other states be allowed to submit a request. Mr. Cange stated that the statute has been amended to include state, certified law enforcement in other states and federal law enforcement.

Dr. Dilliard stated that the interstate data sharing includes Kentucky, Virginia and South Carolina and that we have had a number of queries from Virginia. Kentucky has only been online a since August 2014. The next state that will be added to the interstate data sharing is Mississippi and Arkansas. Dr. Dilliard stated that Alabama will be the next state that they will be working with for interstate data sharing. He stated that he is not sure about Georgia since they do not have the funds to start and maintain a database and Missouri doesn't have a prescription monitoring database. Dr. Baron asked if we know how many out state request through interstate data sharing the database is receiving. Ms. Sanford stated that there is a request submitted to the vendor asking them to pull this information since we cannot pull it ourselves. Ms. Sanford stated that we will be able to know how many out of state request are being submitted as well as how many request from Tennessee is being submitted to the other states.

Dr. Dilliard informed the committee that we have received a grant from the Center of Disease Control (CDC) for "Prescription Drug Overdose: Boost for State Prevention". The focus of the grant will be on data analyses looking at risk modes for PDO and assessing effects of recent

legislative actions, pain management guidelines, etc. Tim Jones, MD, Epidemiologist is the point of contact for his grant and will coordinate closely with Dr. Mutter, Dr. Dilliard, Dr. Reagan and the new director of CSMD once hired.

Dr. Dilliard informed the committee about the enhancements for a user type as law enforcement/drug court pilot. The requirements have been written and confirmation of the estimates against detailed requirements. Dr. Dilliard stated that the original request for funds approved by the committee was \$25,000.00 at the July 16, 2014 meeting but the difference in high level estimate against requirements yield the need for an additional \$67,000.00. Ms. Sanford stated that there are roughly 500 requests per month from law enforcement but she doesn't know what the volume would be with the drug court pilot. Ms. Sanford asked if the committee will be charging a fee. Dr. Dilliard stated that it would be up to the committee. Dr. Dillard stated that he has had discussion the finance and administration about the fee and they agreed that a \$25.00 fee would be appropriate. Mr. Cange stated that the committee can make a recommendation but the board of pharmacy has the authority to authorize the fee. After discussion, Dr. Orgain made the motion that the committee to endorse what the board of pharmacy discussion and decision on what to charge for law enforcement reports. Ms. Eller seconded the motion. Dr. Baron added a friendly amendment that it is appropriate to recommend that the board of pharmacy charge a fee. Dr. Orgain accepted the amendment. The motion carried.

Ms. Otto appeared at 9:45 a.m.

Dr. Dilliard informed the board about following public chapters:

Public Chapter 430 which requires collection of the ARCOS files. The database has been developed and is ready for the files to be uploaded. Emails will be sent out to all licensees on how to send the files, to new licensees on how to register and upload data and instruction that will include a special URL that anyone receives an email can access.

Public Chapter 898 requires regulatory information and information from CSMD in regards to supervisor/supervisee relationship to be published on the Consumer Right to Know web area effective January 1, 2015. This law pertains to nurse practitioners and physicians assistants who are required to have a supervising physician.

Dr. Dilliard explained to the committee that we are running out of space and will need to add 1 terabyte as soon as possible. We are paying \$1,940.00 for the space we have now and it will cost an additional \$1,060.00 for a new terabyte. The increase is due to the additional interstate data sharing and the price should be the same. Dr. Orgain made the motion to increase the 1 terabyte by \$1,060.00. Dr. Kizer seconded the motion. The motion carried. Dr. Dilliard also asked for approval for two staff members to attend the Diversion Investigation Course in Gatlinburg, TN. Dr. Dilliard stated that someone from Investigation and OGC staff would like to attend. After discussion, Dr. Orgain made the motion to approve the request for travel of two staff members from the Bureau of Investigations and OGC to attend the Diversion Investigation Course in Gatlinburg, TN. Dr. Johnson seconded the motion. The motion carried.

OGC Report

Mr. Cange informed the committee that rules that requires that APN's and physician assistants enter the driver's license number of their supervising physician into the database within 30 days of the supervisee or extenders registration to the database will take effect on November 27, 2014. If they change supervisors they will have 30 days to change the driver's license number in the database. The rules have been sent to Government Ops. Mr. Nava asked if there will be any communication sent to the prescribers. Ms. Sanford stated that a press release through the Department of Health will be sent out per the notification system in the CSMD. Dr. Mutter stated that the notification will be sent out by Tennessee Medical Association, Tennessee Nursing Association and Tennessee Pharmacy Association. Dr. Baron asked what would happen if a physician doesn't have a valid driver's license. Mr. Cange stated that he's not sure what will be done if they don't have a valid driver's license. He also explained that the reason why the driver's license number was chosen was because the field was already in the database. Ms. Eller asked what would be the penalty if the database is not updated with this information. Mr. Cange stated that it would be up to the individual licensing boards to discipline the licensee.

Mr. Cange presented to the board a draft policy that would apply to personal of the department as well as others individuals that have access to the database by law and it governs the proper use of the database. The statute states that the committee may designate personal to receive information from the database for research purposes. Mr. Cange stated that there have been several request from researchers and academic institutions for data from the database and the department of health is in the process of developing protocols for releasing that information. Mr. Cange asked the committee to review the policy and submit any comments to him and he will pass it on to the department.

Mr. Smith gave a summary of the all licensees that have been disciplined for over prescribing.

Director of Special Projects Report

Dr. Mutter informed the committee that the chronic pain guidelines have been ratified by all the prescribing boards except the board of veterinary examiners. There will be a reception on November 13, 2014 at 2:00 for the panel members and the steering committee as well as a discussion on their thoughts and opinions. The chronic pain guidelines and revision are required by law to be updated every September.

Dr. Mutter stated that the education course for the website about naloxone that is required by statute has been drafted and are awaiting the final approval before it can be posted.

Dr. Mutter spoke to the committee about hydrocodone becoming a schedule II drug effective October 6, 2014. Dr. Mutter stated that there was an article in the Times Free Press in Chattanooga, TN stated that nurse practitioners and physician assistants cannot prescribe a scheduled II drug which is incorrect. He wanted to inform the committee in case they received telephone calls concerning this article.

Dr. Mutter stated that the issuing the top 50 letters has opened up a lot of issues that we were unaware of such as licensees not registered in the database, supervisor no longer supervising a nurse practitioner but is still listed as the supervisor, some physician had no idea who the person that they were supposed to be supervising, and it has help us to better regulate the database. Dr. Orgain asked how deep into the database have we gone? Dr. Mutter stated that we hope that the CDC epidemiologist can help with analyzing the data. Dr. Orgain talked about the supervising physician and he wanted to know how deep we delve into the supervising physician. Dr. Mutter mention that we are working on linking the supervisor with the supervisee in the CSMD and the top 50 made us aware of this issue. Ms. Eller asked when the top 50 letters are sent do they send a copy of the letter to the supervising physician. Dr. Mutter stated that the supervising physician gets a different letter, and they are also asked to respond to the top 50 as well. Dr. Kizer stated that in Kentucky, the extenders must have a certain registration to have a prescription filled by the pharmacy and wanted to know if anyone is aware of this rule. Dr. Nava stated that in Kentucky a physician signature is needed on a prescription before they will be filled and a Kentucky pharmacy will not fill a Tennessee prescription written by a physician assistant without the signature of the supervising physician. Ms. Eller mentions that Georgia has a similar law as Kentucky on filling a prescription. Dr. Mutter mentions that the physician assistant in Kentucky can't access the database. Dr. Mutter stated that we will be creating some emergency room guidelines for treating pain. Dr.'s Dilliard and Mutter said that we will be working on risk models. Dr. Mutter also stated that these risk models will help us to identify high risk patient, high risk prescriber, and high risk pharmacy. Dr. Orgain stated that the Optometry Association had their state meeting, and they did a drug diversion course around the guidelines.

Bureau of Investigations

Ms. Moran informed the committee that they will exceed 100 random audits for pain clinics. They have completed 53 random audits of the pain clinics and 27 were complaint driven. Dr. Baron asked if there was a fair distribution of pain clinics in west, middle and east TN. Ms. Moran stated that West Tennessee does not have a lot of pain clinics at this time. Dr. Mutter stated that they are more per capita in East Tennessee from Hamilton County east from there. Dr. Mutter stated that at the next meeting he can bring a map showing the distribution and a per capita map that will compare the number of pain clinics with the population for each county. Ms. Eller stated that the map would be helpful and would like to see it correlated with the disciplinary action taken each quarter.

General Report

Dr. Dilliard present to the committee a report submitted by Brandeis University on the effectiveness of the PMP. The report show how much progress each state is making in the use of the PMP.

Legislative Report

Dr. Mutter presented the committee with a draft copy of the 2015 legislative report for General Assembly. Dr. Mutter asked the committee what they would like to see added to the report. Dr. Mutter stated that the survey that was sent out last year concerning the usage of the database and asking for feedback and a new survey will be sent out for prescribers and dispensers for this report. The committee would like a statistical summary comparing the data from 2013 to 2014, list the committee members and staff, how many patients are on combinations of benzodiazepine and opioids, aggregated data of the disciplinary action taken by all the boards including the pain clinic audits, and list the priorities and enhancements. Dr. Baron stated that it would be nice to see how many methadone overdoses there have been. Dr. Mutter stated that since the methadone clinics are regulated by the mental health he is not sure how they document that data.

Exemptions

Dr. Kizer made the motion to approve the following exemptions and/or waiver requests from electronic reporting to the database. Dr. Orgain seconded the motion. The motion carried.

Jane Lee	Metro Drugs Hoboken LLC
Christopher Mach	Biocure LLC
Timothy Glascuke	Surgery Pharmacy Services, Inc.
Frank LaCorte	Thrift Pharmacy Inc.
Tommy Phillips	Senderna Rx
Vishali Patel	Customer Care Pharmacy LLC
Jeffrey J. Egbert	National Animal Hospital

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Justin Mills	Pet 360 dba Petscriptions
Jamie Wong	Lumicera Health Services, LLC Tech- Pharmaceuticals, INC dba
Aaron Zev Isaac	Vidascript
James Manfred	Med-Care Inc.
Elder Soto	Walgreen Mail Services
Melissa Foster	Cardinal Health 414, LLC
Robert Snyder	Pantherx Speciality Pharmacy
Allison C. Vickers	Cardinal Health
Donald Dean	MedImpact Direct, LLC
Dr. William Graybeal	BioPlus Speciality Pharmacy
Gregory Gamble	Walgreens
Jeffrey Lagasse	American Homecare Federation
Cory Ward Wiggins	HPC LLC
Amy Mallon	Equi-Tox Pharma, LLC

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Lee Stutzman	KU Supply LLC
Joy Cherry	Stocker Supply
Karen Wood	MedPro Rx, Inc.
Nelson Burford	AnouoRx Group LLC
Lawrence Goldberg	Metro Nashville Health Department Pharmacy
Justin R. Dent	BioRx, LLC
Masum Patel- Amin	PetersonRx, LLC
John Nigara	Boca Raton Pharmacy, INC
Jared Otte	Walgreens #1109- 2
Andrew Cheung	Philidor Rx Services LLC
Zachary Storer	`Bluegrass Pharmcy of Lexington

Dr. Johnson made the motion to adjourn. Ms. Martin seconded the motion. The meeting adjourned at 12:00 p.m.

These minutes were approved and ratified at the January 26, 2015 committee meeting.