



BOARD OF DIRECTORS

ANNUAL MEETING

MINUTES

Date: Friday July 14, 2017
Time: 1:00 p.m.
Location: Cordova 4 Room, JW Marriott, Orlando, Grande Lakes
Chair: Dave Bowen

Members Present (Officers): Karen Bailey, Secretary and Greg Nazareth, Treasurer

Members Present (Directors): Dr. Samir Vakil, Dr. Anthony Silvagni and the Hon. Al Nienhuis

Members Present Teleconference: Dr. Jill Rosenthal, Dr. Lee Ann Brown and Sally West

Members Absent (Officers): Michael Ayotte, Vice-Chair

Member Absent (Director): Dr. Daniel Gesek

Staff: Robert Macdonald, Executive Director

DOH Staff Present: Becki Poston, Program Director, E-FORCSE and Carl Hayes, Senior Pharmacist, E-FORCSE

DOH Staff Present Teleconference: Lucy Gee, DOH Division Director

Guests: Ms. Erica White, Ex. Director, Florida Board of Pharmacy, Dr. Goar Alvarez, NSU College of Pharmacy and Board of Pharmacy, Dr. Scott Kjelson, NSU College of Pharmacy and Kathy Baldwin, President, Florida Society of Health System Pharmacists

Call to Order

The chair called the PDMP Foundation Board of Directors annual meeting to order at 1:05 p.m., Friday July 14, 2017.

Roll Call/Sunshine Law

Ms. Bailey provided the statement regarding the foundation operating under the state sunshine law. Following roll call she announced that a quorum was present.

Introductions

The chair welcomed the new board members and asked the guests to introduce themselves.

Approval of Minutes of Last Meeting (May 11, 2017)

The chair called for the approval of the Board of Directors minutes from the May 11, 2017 conference call. A motion was made by Sheriff Nienhuis and seconded by Mr. Nazareth to approve the minutes as distributed. The chair hearing no request for discussion called for a vote on the motion and it was adopted unanimously.

Additional Agenda Items

The chair called for any additional agenda items. None were added.

Report of the Chair

The chair announced that board members gave above satisfactory approval of Mr. Macdonald's job performance as executive director. In accordance with the board's approval, the chair and Mr. Macdonald agreed to a new contract through December 31st to be renegotiated upon review of the status of the fiscal year's budget.

The chair then requested the DOH to provide the status of its review of the PDMP Foundation FY17-FY18 budget. Ms. Gee stated that the Department of Health had approved the budget as adopted by the Board of Directors at its May 11, 2017 conference call.

Treasurers Report:

Mr. Nazareth presented a report on foundation finances. He announced that he would be providing an unofficial update of the financial transactions for the close of FY 2016-FY 2017. He said that the CPA was finalizing the IRS 990 Form for foundation board review and inclusion in the annual report to the Department of Health.

He said that at the start of the fiscal year that the foundation had \$1,494,442 in restricted CVS/Caremark settlement funds. It also had \$103,591 in its unrestricted funds for foundation operations. The total assets for the foundation at the start of the fiscal year were \$1,598,033.

The treasurer said that of the unrestricted funds \$82,400 were the approved budget for FY16-17. The remaining \$20,232 was designated as an unrestricted reserve fund. He said that of the past year's approved budget that \$70,968 was used for operations.

He then said that at the close of the fiscal year the total of the restricted settlement funds was \$1,502,554. Of this total, the CPA projected interest income of over \$11,000. According to the CPA the foundation's total assets for fiscal year FY16-FY17 were \$1,557,504.

The treasurer then discussed the current budget for FY17-FY18. He said that at the last board meeting a FY17-FY18 foundation operating budget of \$50,450 was adopted and sent to the department for approval. He recommended that this budget be re-evaluated at the next board meeting based on additional revenue from contributions and revised accordingly to address continued operation expenses through June 2018.

Mr. Macdonald announced that he was in contact with Ms. Ashley Miller, Health Financial Manager at the Department of Health Bureau of Finance and Accounting regarding the need for an audit of FY16-FY17 foundation finances. He said that since the foundation did not receive over \$100,000 in income from contributions that the IRS 990 Form prepared by the CPA would suffice and that an audit was not necessary.

The board then discussed fundraising ideas to increase financial support for foundation operations. It mentioned licensing fees, contacting current database users, seeking grants and contacting other foundations who are concerned about the Opioid epidemic in Florida. Mr. Macdonald said he would continue to research ways of seeking supporters for the PDMP to help support its sustainability.

Investment Report:

Mr. Nazareth said that The PDMP Foundation Investment Committee consisting of Mr. Bowen, Dr. Vakil and he as chair continues to oversee the financial management of \$1.45M in settlement funds in a Wells Fargo brokerage account. With the approval of the State Attorney General under its Memorandum of Understanding, the investment of the settlement funds is limited to FDIC insured managed Certificates of Deposit. Following the close of the 2017 legislative session, the legislature continued to mandate the prohibition of the use of settlement funds to support E-FORCSE operations. Instead, he said, the legislature approved continued use of state appropriations for the PDMP database administration.

The treasurer said that once the intent of the legislature was known, the PDMP Foundation investment committee approved purchase of two, one-year \$250,000 jumbo CDs; three, six-month jumbo CDs and one three-month \$200,000 CD. He said that because interest rates had increased over 1.0 that the foundation should enhance its interest income above that received this fiscal year.

He also said that \$10,000 was transferred back to the PDMP Foundation's restricted settlement funds in its business savings account. The total funds in the restricted savings account was \$51,592.

The chair called for discussion on the treasurer's report on finances, budget and investments. Hearing none, the chair declared the report accepted for information.

Executive Director's Report:

Mr. Macdonald provided an update on the latest fundraising campaign with the Florida sheriffs and police chiefs. He said that Sheriff Nienhuis had agreed to lead the sheriff campaign solicitation. He said to date the foundation had received over \$22,000.

Sheriff Nienhuis then made the board aware that there was concern from some sheriffs that due to problems with accessing the database it was becoming an administrative problem to seek

information for active criminal cases related to drug abuse and diversion. The board requested if Sheriff Nienhuis could provide specific information. It asked the Department of Health representatives to assist in clarification of any areas of concern which law enforcement officials may have in accessing the system.

Mr. Macdonald then gave a report on a meeting with the executive staff of the Drug Free America Foundation. He said that he approached the DFAF as it had raised funds through its Drug Free America Committee to attempt to defeat Amendment 2, approving the use of medical marijuana in Florida. He said that now that the fight against medical marijuana was concluded that the Drug Free Foundation may be interested in partnering to find ways to raise funds to address Florida's Opioid epidemic.

Special Order of Business:

The chair asked Ms. Poston to provide information on the proposed Opioid warning sticker campaign. She said that Dr. Kjelson was seeking to conduct a campaign like one undertaken in Utah that would place an Opioid addiction warning sticker on the caps of all pill containers that dispensers filled with these prescribed medications. She said that Dr. Kjelson was looking for funding for this project and she referred him to the foundation.

The chair then asked Dr. Kjelson and Ms. Baldwin to provide an overview of the project. Dr. Kjelson said that in Utah the state pharmacy association and department of health partnered to do this project. He felt it would bring an awareness to the possibilities of a person becoming addicted to Opioids. He said that CVS, Walgreens and Kroger were participating in placing the stickers in Utah. Ms. West clarified that Walgreens was not opposed to the project but that it was not actively participating.

The board then discussed all ramifications of doing the same program in Florida including the cost of producing stickers for the number of prescriptions for Opioids dispensed per month totaling over 2 million in the state. There was also concerned by some board members as to whether placing the warning sticker on the cap would deter some persons from taking all their medication for fear of becoming addicted. The sticker also includes a website to contact for more information on Opioid addiction. The board questioned who was going to develop the website and at what cost.

Following discussion, Mr. Macdonald reminded the board that the PDMP Foundation's mission was to provide private funding for E-FORCSE operations. If any monies were to be used for the sticker program it would have to relate to the foundation's legislative purpose.

Dr. Kjelson thanked the foundation for its time. He mentioned that he had sought other support from the Florida Department of Children and Families. He hoped to secure funding from a DCF Success Grant that would pilot the sticker campaign in a limited number of Florida counties.

Return to Executive Directors Report:

Mr. Macdonald continued his report with an update on the PDMP Online course production. He said that the only delay was in finalizing the new State Surgeon General's introduction to the course. Once ready for distribution the Florida Medical Association and foundation will determine the cost and what percentage of the revenue from the course will be donated to the PDMP Foundation.

He then provided information on his schedule to attend conferences. He said that he had been to the Florida Academy of Pain Medicine conference, Florida Society of Association Executives and now he was at the pharmacy association and then the sheriff's association to promote the PDMP/E-FORCSE.

Mr. Macdonald said that in the next two weeks he would be completing the annual report to the Department of Health. This would include the IRS 990 Form.

He mentioned that the PDMP Foundation website was continuously being updated by the webmaster. He also referred the board to the Facebook page which covers foundation activities and has over 200 followers.

Mr. Macdonald then discussed the administration of the settlement funds. He recommended that since the legislature had prohibited these funds to be disbursed to the DOH for use to fund E-FORCSE operations there was a need to seek approval from the Attorney General to use a percentage of these funds for PDMP Foundation administration. He said that he would draft an amendment to the current Memorandum of Understanding and review with the chair and treasurer to seek use of some of the settlement funds for foundation operations. The board agreed with this recommendation and requested Mr. Macdonald to proceed.

Report of E-FORCSE Operations:

Ms. Poston provided an overview of the PDMP for FY2016-2017. She said that as of March 31, 2017 that over 216M prescription drug dispensing records had been received since E-FORCSE began operations in September 2011. She said that the number of registered users of the program was over 41,000. This was approximately 26% of total healthcare practitioner licensees permitted to use the system by law. Of those participating users, about 28,000 or 80% have made a query for patient information. The total number of queries was about 33.6M.

She said that of the top 200 prescribers of controlled substances 85% were registered with the PDMP. Of those, 98% have queried the system.

Also, Ms. Poston said that there was a 72% decrease in doctor shopping since the inception of E-FORCSE. The percentage of Oxycodone deaths decrease 42% from 2014 to 2015 and were down from 1516 in 2010 to 274 in 2015.

The top three controlled substance prescribed were Hydrocodone/Acetaminophen, Alprazolam, Oxycodone HCL/Acetaminophen. The top three Opioid drugs prescribed were Hydrocodone, Oxycodone and Tramadol.

Ms. Poston said that the DOH would be seeking some changes to the PDMP law during the next legislative session which would address some of the issues in today's discussions. She also mentioned that there was discussion on how to incorporate the PDMP with Electronic Health Records.

PDMP Foundation Certification for FY2017-FY2018

The chair called for discussion on the annual certification of the PDMP Foundation as required under Chapter 893.055 (11) (d) (3), F.S. The board noted that it had filed its written contract for FY 2017-FY2018 with the Department of Health and it was signed and approved. The board also

noted that it had approved its fiscal budget and forwarded to the department and it was also approved.

Therefore, the PDMP Foundation board of directors seeks continued annual certification from the Department of Health. The chair requested Mr. Macdonald to work with Ms. Poston to receive the certification letter.

Review of the PDMP Foundation Bylaws

Mr. Macdonald explained that the inclusion of the Bylaws in the agenda was for informational purposes only. He said that it is the responsibility of the board of directors to review the Bylaws as necessary to determine if there are any revisions that need to be made. He said that if any board member wanted to offer an amendment they could do so for placement on the next meeting agenda. At that time, the board could discuss and vote on the proposed amendment. He also said that any change in the Bylaws would also need to be approved by the Department of Health.

Re-Appointment of PDMP Foundation Board Members

Mr. Macdonald announced that he had received confirmation from the State Surgeon General's office that Dr. Brown, Dr. Gesek, Mr. Nazareth and Ms. West had been reappointed for two-year terms to the foundation board of directors. He said that he would update the website accordingly.

Election of Officers for FY 2017-FY2018

The chair asked Mr. Macdonald to conduct the election process for officers as follows:

Chair— Mr. Macdonald call for nominations for the office of chair. Mr. Bowen was nominated. Hearing no additional nominations, Mr. Bowen was elected as chair by acclamation.

Vice-Chair—Mr. Macdonald called for nominations for the office of vice-chair. Ms. Bailey was nominated. Hearing no additional nominations, Ms. Bailey was elected by acclamation.

Secretary—Mr. Macdonald called for nominations for the office of Secretary. Dr. Rosenthal was nominated. Hearing no additional nominations, Dr. Rosenthal was elected by acclamation.

Treasurer—Mr. Macdonald called for nominations for the office of Treasurer. Mr. Nazareth was nominated. Hearing no additional nominations, Mr. Nazareth was elected by acclamation.

Mr. Bowen thanked the board for its support. He welcomed the officers for the next fiscal year.

Public Comments

Dr. Kjelson invited attendees to participate in a special event to discuss the Opioid epidemic in Florida on September 19, 2017 at Epstein Hall at Nova-Southeastern University in Davie. The program begins at 5:30 p.m.

Announcements

The chair called for announcements. None were made.

Date of Next Meeting

Mr. Macdonald said that Dr. Gesek recommended that future board conference calls and meetings be scheduled a few months out for planning purposes. The board agreed and the chair said that he would look at dates in October for the next conference call. Mr. Macdonald said that all conference calls are usually scheduled to start at 6 p.m. to allow for board members in practice to finish with patients.

Adjournment

The chair called for the adjournment of the PDMP Foundation Board of Directors annual meeting. The meeting was adjourned at 3:35 p.m., Friday July 14, 2017.