



BOARD OF DIRECTORS
CONFERENCE CALL MEETING
MINUTES

Date: Tuesday February 20, 2018
Time: 6:00 p.m. (EST)

Chair: Dave Bowen

Members Present (Officers): Greg Nazareth, Treasurer and Dr. Jill Rosenthal, Secretary

Members Present (Directors): Dr. Samir Vakil, Dr. Lee Ann Brown, Dr. Daniel Gesek, Angela Nelson and the Hon. Al Nienhuis

Member Absent (Officer): Karen Bailey, Vice-Chair

Members Absent (Directors): Dr. Anthony Silvagni and Sally West

Staff: Robert Macdonald, Executive Director

DOH Staff: Erika Marshall, Outreach Director, E-FORCSE

Call to Order

The chair called the PDMP Foundation Board of Directors conference call meeting to order at 6:03 p.m., Tuesday February 20, 2018.

Roll Call/Sunshine Law

Mr. Macdonald provided the statement regarding the foundation operating under the state sunshine law. Following roll call he announced that a quorum was present.

Introductions

The chair called for any guests to announce themselves. No guests participated on the call.

Approval of Minutes of Last Meeting (October 2, 2017)

The chair called for the approval of the Board of Directors minutes from the October 2, 2017 conference call. A motion was made by Sheriff Nienhuis and seconded by Dr. Rosenthal 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 Mr. Macdonald's contract as executive director was extended through the remainder of the 2017-2018 fiscal year on June 30th as approved by the board of directors in its adoption of a revised budget. He then notified the board that four board member's current terms were up at the end of the fiscal year and that they have been notified by Mr. Macdonald to determine if they would seek reappointment by the State Surgeon General.

Treasurer's Report

Mr. Nazareth reported that as of February 19, 2018, the total funds under management are \$1,522,576.61 in Wells Fargo banking and brokerage accounts. This included \$2,060.78 in the checking account; \$65,505.53 in the Business Savings Account and \$1,455,010.30 in FDIC insured investments in the brokerage account.

Of the funds in the Business Savings Account, \$36,852.68 were restricted CVS/Caremark settlement-funds designated for future E-FORCSE operations; \$362 is restricted as a quarterly payment to IRS for Unrelated Business Income Taxes; and \$3,873.13 is the remainder of the Polk County Sheriff's Office restricted contribution for PDMP marketing and promotional programs.

The remainder of funds in the Business Savings Account are unrestricted monies and include the foundation's operating budget, interest earned on these accounts and current contributions. These funds total \$27,417.72.

The PDMP Foundation brokerage account total is \$1,455,010.30. This includes \$1,449,430.50 in two one year \$250,000 CDs; two six month \$250,000 CDs and one 3-Month \$250,000 CD and one 3-Month \$200,000 CD. It also has \$5,579.80 in cash.

Executive Director's Report

Mr. Macdonald referred the board of directors to the attachment in the agenda outlining the state of fund-raising efforts by the foundation since its inception. He said that since it was established as a non-profit tax-exempt organization in 2010 the foundation had raised over \$2.86M in corporate, association/law enforcement agency, government gifts and individual funds and grants. Of these monies \$464,000 were corporate funds; \$1.974M in restricted settlement funds; \$349,000 from law enforcement agencies, \$38,000 from municipal governments and \$32,000 from individuals and grants.

He then reviewed the current status of the fund-raising efforts. He provided a list of roadblocks that have caused yearly contributions to decrease. Among those were donor knowledge that the foundation received the large gift of settlement funds from the Attorney General's Office to fund E-FORCSE. Potential donor understanding that the PDMP database operations are now being funded by the legislature through state appropriations. Many past donors, especially the law enforcement agencies, have other pressing priorities that need funding assistance from their decreasing asset forfeiture funds. Mr. Macdonald also shared that many practitioners that he spoke with supported the need for the PDMP but that it should be funded by the

state rather than private donations as is the case with the majority of states monitoring programs. He also mentioned that the PDMP law continues to prohibit the foundation from contacting the pharmaceutical industry for contributions. Finally, he said from conducting several fund-raising campaigns on social media there was not a great deal of public support to help fund the database's operations.

The executive director then provided recommendations for future fund-raising efforts. He suggested that should the 2018 legislature approve mandatory continuing education for relicensure for healthcare practitioners on prescribing of controlled substances that the foundation could incorporate this into an online course and market it to all licensed practitioners. He also suggested to work with the professional associations and healthcare regulatory boards to conduct any mandatory course. Mr. Macdonald also recommended that if the legislature continues to prohibit the Department of Health from using settlement funds for E-FORCSE operations that the foundation establish a meeting with Attorney General Bondi to request the funds be used by the foundation to educate practitioners about the PDMP and to conduct the mandatory CE courses around the state.

Following Mr. Macdonald's report on fund-raising, several board members offered suggestions on some of the problems with the PDMP database which may be causing concern especially in light of the current legislation to make use of E-FORCSE mandatory. The board concurred that there needed to be a more effective means to access the database from a time standpoint. There was also an additional cost involved to have a staff designee to access the database daily to check patient prescription records. It was also recommended that the PDMP be merged with Electronic Health Records so that practitioners would only need to enter one system to review patient health information and drug utilization.

Mr. Macdonald then updated the board on the preparation of the FY 2018-2019 budget. He said that a committee of the Chair, Vice-Chair and Treasurer would develop a DRAFT budget for review by the executive committee and then the board for approval. He confirmed that the fiscal budget needed to be received by the DOH by May 15th in accordance with the current Direct Support Organization contract.

The executive director then said that the IRS Form 990 for 2017 would be prepared by George Ponczek, the foundation's CPA. He said that he and treasurer Nazareth would meet with the CPA prior to preparation of the tax form to review the revenue and expenses for the fiscal year. The form would be attached to the PDMP Foundation annual report. The 990 Form will be attached to the PDMP Foundation annual report due to the Department of Health by August 2018.

Mr. Macdonald mentioned that based on the fact that the foundation did not receive over \$100,000 in contributions for the fiscal year that he did not foresee that a full audit would be necessary. He said that he would confirm this with the Department of Health and report back to the board.

As a follow-up to the chair's report, Mr. Macdonald said that Mr. Bowen, Ms. Bailey, Dr. Rosenthal and Dr. Vakil's current two-year terms would expire at the end of the fiscal year. He said that he had contacted each member to determine if they were interested in seeking reappointment by the State Surgeon General.

Report: Department of Health

Ms. Marshall provided an update on E-FORCSE operations. She said that as of December 31, 2017 there were over 47,000 practitioners registered to use the database to access patient controlled substance prescription information. This was approximately 27 percent of all Florida licensed practitioners. She also

noted that about 38,000 of the database users had made a query for information and that since it became operational there has been over 40M queries.

In reviewing the percentage of practitioners registered to use the database in relation to total users the Department of Health statistics show that 18,600 pharmacists (38%); 16,300 medical doctors (34%); 3,800 ARNPs (8%); 3,500 osteopathic physicians (7%); 2,300 physician assistants (5%); 1,200 dentists (3%) and podiatric physicians 240 (1%).

Ms. Marshall also related that in 2017 following revision of the law to allow for practitioners to appoint a designee staff person to access the database about 1,600 practitioners had taken advantage of this process. These newly appointed designees made over 347,000 queries for patient controlled substance information.

Following review of the E-FORCSE utilization data, Ms. Marshall provided information on the top prescribed controlled substances. She said that the top three were Hydrocodone/Acetaminophen, Alprazolam and Oxycodone HCL/Acetaminophen. According to the latest DOH statistics there has been a 73% decrease in doctor shopping or multiple provider episodes (MPEs).

Ms. Marshall then discussed the E-FORCSE funding. In FY 2017-2018 the legislature provided \$499,985 in general revenue funds for the database operations. It also continued to prohibit the use of the CVS/Caremark settlement dollars to help fund the PDMP. For the 2018-2019 fiscal year, the DOH submitted a request for \$1,084,537 recurring state revenue and \$117,700 in non-recurring revenue to operate the program. She related that the department also had received \$499,991 in Federal grants, \$86,625 in state grants and \$17,500 in private grants for database enhancements, information sharing and statistical analysis.

2018 Legislation

Ms. Marshall provided an overview of the House Bill (21) and Senate Bill (8) which would provide clarifying language to the PDMP Law {Chapters 893.055 and 055(1), Florida Statutes}. It would also remove the prohibition for use of the settlement funds for E-FORCSE operations. Among the other major changes in the law that may affect the PDMP Foundation would be a requirement for a two-hour mandatory continuing education course for all DEA licensed healthcare practitioners in controlled substance prescription management. Based on actions during the 2017 legislative session the new bill continues the PDMP Foundation as a Direct Support Organization under the DOH through 2027.

E-FORCSE Enhancements

Ms. Marshall also updated the board on the current actions of the department to migrate the E-FORCSE software database with the Appriss Health PMP AWARxE platform. It is expected to be operational in April 2018. This would allow information to be shared between states.

Public Comments

The chair called for any public comments on foundation board activities. None were made.

Announcements

The chair recommended that depending on the final bill adopted by the legislature relative to the use of settlement funds for E-FORCSE operations, a plan of action should be developed whereas the foundation would seek approval from the Attorney General or the State Surgeon General to utilize a portion of these

funds so it can continue operations so it can provide the required educational programs mandated under the law. This would include development of the Online CE course and support for presentations to practitioners permitted by law to use E-FORCSE to check patient controlled substance prescription records.

Date of Next Meeting

Mr. Macdonald said that FY 2018-2019 budget needed to be approved by April 30 in order for it to be presented to the Department of Health by May 15th. The chair said that a call in late April to approve the budget and any proposal to seek use of the settlement funds would be scheduled.

Adjournment

The PDMP Foundation Board of Directors conference call was adjourned at 6:55 p.m., Tuesday February 20, 2018.