

**BOARD OF DIRECTORS**

**MEETING**

**MINUTES**

Date: Friday July 31, 2015

Time: 1:00 p.m.

Location: Rock Lake Room, Wyndham Lake Buena Vista Resort

Chair: Dave Bowen

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

Members Present (Directors): Dr. Jill Rosenthal, Dr. Samir Vakil and Dr. Lee Ann Brown

Members Present (Conference Phone): Mike Ayotte, Vice Chair and Paul Melton, Director

Members Absent (Directors): Sally West and Dr. Daniel Gesek

Staff: Robert Macdonald, Executive Director

DOH Staff: Lucy Gee, DOH Division Director and Becki Poston, Program Manager, E-FORCSE

**Call to Order**

The chair called the PDMP Foundation Board of Directors annual meeting to order at 1:05 p.m., Friday July 31, 2015 and activated the recording feature.

**Roll Call/Sunshine Law**

The chair asked Ms. Bailey to provide the Sunshine Law statement. Mr. Macdonald then called roll and reported that a quorum of seven directors was participating in the meeting.

**President’s Report**

The chair welcomed all of the directors and called for introductions. He thanked them for their participation and support for the foundation’s activities.

He then discussed the current status of foundation fundraising activities. The chair felt that it needed to become more diversified. The board discussed possible funding through regulatory board trust funds and Ms. Poston and Ms. Gee provided an update on how these funds operate and where monies are distributed for licensure fees. The chair also talked about seeking corporate pledges spread over several years which could be used as challenges for other corporations to participate. He said that one problem now is that most of the past donors to the foundation are aware that the Attorney General provided $1.972M in June of 2014 for E-FORCSE operations through 2018. He also said that since the legislature allocated $500,000 in funds during the 2015 session for database operations for FY 2015-2016, this could also discourage other private funding sources from giving.

**Approval of Minutes of Last Meeting (April 13, 2015)**

The chair called for the approval of the Board of Directors minutes from the April 15, 2015 conference call. A motion was made by Dr. Vakil 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.

**Treasurers Report**

Mr. Nazareth reported that the July 27th balance in the PDMP Foundation Wells Fargo Bank checking account was $3,006.33 and that there was $1,640,219.10 in the savings account. He said that of the funds in the savings account, $1,473,156.33 was designated for E-FORCSE operations. Mr. Nazareth said that of the remaining funds $28,609.02 was in a new E-FORCSE Contingency Account; $88,453.75 was in the PDMP Foundation operations fund and $50,000 in the foundation’s Reserve Fund. He said that the reserve fund was approximately 51% of the foundation’s operating fund.

**E-FORCSE Funding**

Ms. Poston reviewed the past legislative session action that amended the current PDMP law to provide $500,000 in funds from general revenue for E-FORCSE operations for FY 2015-2016. As part of the language approving the allocation of these funds she said that the legislature added a stipulation prohibiting E-FORCSE from using any of the remaining $1.473M in settlement funds in the PDMP Foundation’s designated fund account during the current fiscal year. She also mentioned that a portion of the $500,000 distributed by the foundation to the department for E-FORCSE operations for the last fiscal year was not spent. Since these are settlement funds, she said that DOH is in the process of calculating the exact amount and that this should be returned to the foundation. Ms. Poston said that the amount could be about $100,000.

**PDMP Foundation FY 2015-2016 Budget**

The treasurer stated that the current fiscal year budget of $97,775 was approved by the Department of Health for foundation operations. As approved by the board and department these funds are used for compensation for the executive director, marketing and public relations, legal and CPA fees, D&O insurance, office operations, executive director travel, fundraising and special events campaigns and board meetings.

**CPA Financial Review FY 2014-2015**

The treasurer referred the board to the PDMP Foundation 990 Form completed by CPA George Ponczek. He said that based on the calculations of all transactions for the last fiscal year that the foundation had Net Assets of $1,649,671 and expenses of $575,130. Of the expenses he said that $500,000 was distributed to the Department of Health for E-FORCSE operations. The remaining $75,130 was for foundation operations.

**FY 2014-2015 Audit**

Ms. Poston notified the foundation that because it had over $500,000 in expenses during FY 2014-2015 that it would need to conduct a full audit. She did say that there was approximately $100,000 of unspent funds from last fiscal year’s distribution from the foundation to the Department that might be able to be returned. The board questioned that if these monies were returned and the foundation’s expenses were under $500,000 would a full audit still need to be completed. Ms. Poston said that she would check on this matter.

The board then discussed the previous year’s bids by accounting firms to conduct an audit of the foundation’s accounts. The bids received last year by the CPA were between $10,000 and $20,000. The chair requested board members to see if they had a personal contact with an auditor that would do the audit for a low fee or as an in-kind service.

**Executive Directors Report**

***A. Status of the PDMP Course***

Mr. Macdonald reported that the presentation materials for the proposed PDMP Course had been collected by him and forwarded to Melissa Carter, Vice President of Membership and Education at the Florida Medical Association. Ms. Carter notified Mr. Macdonald that she was forwarding the materials to the Florida Safety Council who would then design, layout and format the course materials for online presentation. Mr. Macdonald said that the draft of the course should be ready for viewing by early September. He thanked all the board members who assisted in developing course materials for their effort.

***B. Website Search Engine Optimization (SEO) Proposal***

The board reviewed the proposal from foundation webmaster Wil Martindale for SEO enhancements to the PDMP Foundation social media. It agreed to proceed with the six month agreement for an SEO continuation package at a cost of $420 which is renewable semi-annually.

***C. Investment Protocols***

Mr. Macdonald said that now since the settlement funds received from the Attorney General for E-FORCSE operations were not going to be used for FY 2015-2016 there was a need to move ahead with some type of conservative private banking proposal to invest the current $1.473M and any additional funds received back from the DOH to gain a better rate of interest return. Dr. Vakil suggested CDs and Mr. Melton added to check into a ladder CD approach. Mr. Macdonald said that any new investment proposal for the principal of the E-FORCSE designated funds would need to be approved by the AGs Office based on the current Memorandum of Understanding for the use and investment of the settlement funds.

Following discussion, the chair appointed Mr. Nazareth to chair an investment committee. He asked Mr. Melton and Dr. Vakil to serve on the committee with Mr. Macdonald as staff and he as an ex-officio member.

***D. Marketing Materials***

Mr. Macdonald gave an overview of the updated marketing materials that he developed for foundation use in promoting the organization’s activities to supporters and potential donors. He said that these items would be used at conferences, conventions and trade shows. He presented the board members with a PDMP Foundation promotion card handout and a Florida Sheriffs Association star flash-drive used at the FSA convention. He then showed polo shirts with the foundation logo for board members and said that he had purchased foundation pins for donor recognition and board members and a key chain flash-drive for handouts at meetings. He said that both the sheriff and PDMP flash-drives contained the promotion cards and the PDMP brochure which could be downloaded on a computer.

Mr. Macdonald said that funds were also used from the new E-FORCSE Contingency Account to purchase promotional handout materials and a new display for Ms. Poston to use for the program.

***E. Donor Solicitations***

Mr. Macdonald reviewed the past and future types of donor solicitations. He said that the foundation was involved in seeking support from health care corporations or their foundations, law enforcement agencies (sheriff’s offices and police departments), political candidates, practitioners and advocates. He felt that law enforcement agencies were still the best source of contributions since they used funds from Asset Forfeiture Trusts to support the PDMP. He also said that county and municipal governments were other targets. He said that there was still a need to contact those health care practitioners that were using the database to seek donations. He also felt that by enhancing SEO with the PDMP foundation’s social media links could also produce additional income.

The board mentioned contacting David Siegel, Westgate Properties, who may be interested in supporting the PDMP. Mr. Macdonald agreed to approach Mr. Siegel.

***F. Discontinuation of Merchant Credit Card Program***

Mr. Macdonald updated the board on the status of the Wells Fargo Bank Merchant Card program. He said that due to extensive fraud reported to the bank’s security service related to persons using stolen credit cards and testing them on the foundation’s online credit card payment process on its website the system was discontinued. The foundation now accepts credit card payment by PayPal.

***G. Promotion of PDMP***

Mr. Macdonald said that he and Ms. Poston had attended several healthcare and law enforcement association conventions promoting E-FORCSE and the PDMP Foundation. He said that since July 1 the PDMP has exhibited at the Florida Police Chiefs Association, the Florida Pharmacy Association and the Florida Sheriff’s Association. He noted that Ms. Poston and he would be attending the Florida Medical Association convention following the board meeting and that he would also be exhibiting at the Florida College of Emergency Room Physicians and the Florida Public Health Association conventions later in August. He also said that he would contact the Florida Retail Federation, Associated Industries of Florida and the Florida Chamber of Commerce to seek their support.

***H. Regulatory Board Meeting Presentations***

Mr. Macdonald said that he will continue to attend health care regulatory board meetings as necessary to provide updates on the PDMP foundation and database. He said that since he has been executive director he has attended and made presentations to the boards of dentistry, medicine, pharmacy, osteopathic medicine, podiatry and nursing. The board discussed the level of support for making participation in the PDMP mandatory for relicensure. It was felt that there was no support among regulatory boards or the healthcare associations for mandatory participation in the database.

***I. Use of Gray Robinson as Legal Counsel***

The board discussed the use of current legal counsel Gray Robinson. The chair provided background regarding the utilization of the law firm in the early days of operation to help form the foundation as a non-profit tax exempt corporation. During the onset of its involvement, the chair said that Gray Robinson had provided some services pro-bono. Some board members were concerned about the fees charged by the firm. Mr. Macdonald recommended developing a list of potential projects that may necessitate legal review and determine the costs and to see if there may be some firms that would work on a reduced fee or pro-bono basis as an in-kind contribution.

***J. Board Appointments***

Mr. Macdonald said that the foundation board had one vacancy in its 11 person board of directors. He asked if any board member had a recommendation for the position to contact him. He also said that Dr. Rosenthal had applied to seek another term on the board and her application was pending Surgeon General Armstrong’s approval. Ms. Gee said that she would check on the status of the reappoint with Dr. Armstrong’s office.

**E-FORCSE Program Manager Report**

Ms. Poston provided an update of the E-FORCSE operations. She said that database had over 145M patient prescriptions and that approximately 3M prescriptions are entered monthly. She said over 14,500 pharmacists have queried the database for information which is about 240,000 queries monthly. Ms. Poston said that over 30,000 healthcare practitioners have submitted 19.3M queries.

She continued saying that about 20% of all licensed healthcare practitioners eligible to register to access the database are participating. The percentage via profession was: 51.1%, pharmacists; 28.6% osteopathic physicians; 19.4% physician assistants; 14.2% medical doctors; 8.6% ARNPs; 7.4% podiatrists; 5.9% dentists; and 0.2% optometrists.

Based on the statistics received from the prescription data, Ms. Poston said that the top five most commonly controlled substances prescribed were: hydrocodone/acetaminophen, Alprazolam, Oxycodone HCL/Acetaminophen, Tramadol HCL and Zolpidem Tartrate. She then reviewed information about the number of top prescribers that were participating in the program and the number of multiple provider episodes. Ms. Poston said that of the top 200 prescribers of controlled substance, 170 were participating in the PDMP. She also said that of these practitioners, 84% were MDs and 16% were DOs.

She also mentioned that there was a good chance that the Department of Health would be awarded another Harold Rogers Prescription Drug Monitoring Program Enhancement Grant. The grant would provide $499,991 in funds. This would assist with the cost of enhancing the current E-FORCSE database to upgrade reporting efforts, develop algorithms to help automate proactive notifications, and advocate appropriate use of controlled substances.

Ms. Poston then said that one of the problems currently being addressed was the availability of controlled substance to patients with chronic pain and under doctor’s care. She said that many legitimate patients in need of pain medications have had a problem obtaining these drugs since the state closed many of the pill mills and DEA investigated pharmacies distribution of controlled substances protocols. A joint committee is currently studying the problems and may develop new guidelines for distribution of pain medications.

**Board Meeting Expense Protocols**

Dr. Vakil asked for information about travel reimbursement for members to attend a board meeting. The chair said that one board member in the past had asked to be reimbursed for travel to a meeting. Mr. Macdonald said that this issue was discussed in a past meeting and funds that were in previous budgets went unspent. He said that most board members feel that their time to attend two live meetings a year is an in-kind contribution to the foundation.

**PDMP Foundation Board Meeting in Tallahassee**

The board discussed the timing for its next live meeting which it agreed should be held in Tallahassee during the 2016 legislative session. It requested Mr. Macdonald to check on dates with board members to see which week would be a good time to meet. The board felt that the last two weeks in January should be checked first.

Mr. Macdonald said that he would work with director West to finalize the details of the meeting date and location and any type of activity that the foundation wanted to promote while in Tallahassee.

**Elections**

The chair called for that the elections for officers for 2015-2016. He asked Mr. Macdonald to conduct the election process. Following discussion, Dr. Vakil made the following motion:

MOVED, that the current officers continue in their same positions for another year term.

Motion Seconded by Dr. Rosenthal

Motion Adopted Unanimously

**Public Remarks**

The chair called for any public remarks. None were made.

**Announcements**

The chair called for any announcements. None were made.

**Date of Next Meeting**

Mr. Macdonald said that the next quarterly meeting of the PDMP Foundation Board of Directors would be held via conference call in October. He said that he would contact the chair for dates and times and forward to board members for input.

**Adjournment**

The meeting of the PDMP Foundation board of directors was adjourned at 3:42 p.m., Friday July 31, 2015.