



AGENDA

Board of Directors

Conference Call

Date: Thursday December 15, 2016

Time: 6:00 p.m. – 7:00 p.m. (EST)

Teleconference Information:

Dial In Number: (888) 537-7715

Participants Pass Code: 66812234#

Board of Directors:

Dave Bowen, Chair

Mike Ayotte, Vice-Chair

Karen Bailey, Secretary

Greg Nazareth, R. Ph., Treasurer

Jill Rosenthal, MD, MPH, Director

Samir Vakil, DPM, Director

Lee Ann Brown, DO, Director

Daniel Gesek, DMD, Director

Sally West, Director

Staff:

Robert Macdonald, MS, Executive Director

DOH:

Lucy Gee, DOH Division Director

Rebecca Poston, BPHARM, MHL, E-FORCSE, Program Manager

1. Call to Order Mr. Bowen
2. Roll Call/Sunshine Law Ms. Bailey
3. Approval of Minutes: (August 12, 2016) Mr. Bowen
Attached
4. President's Report Mr. Bowen
5. Treasurer's Report: Mr. Nazareth
 - A. Financial Update
 - B. Report on Investments
6. Executive Director's Report: Mr. Macdonald
 - A. Status: PDMP Online Course
 - B. Update: Marketing and Promotions
 - C. Board Member Re-Appointments
7. Ratification of D&O Insurance Coverage Policy Revision Mr. Bowen
8. E-FORCSE Program Manager Report Ms. Poston
9. Status of Senate Continuation of PDMP Foundation as DSO Ms. Gee
10. Public Remarks Mr. Bowen
11. Announcements Mr. Bowen
12. Date of Next Meeting: TBD Mr. Macdonald
13. Adjournment



**BOARD OF DIRECTORS
ANNUAL MEETING
MINUTES**

Date: August 12, 2016

Time: 1:00 p.m.

Location: Barclay Room, Waldorf Astoria Hotel, Bonnet Creek, Orlando

Chair: Dave Bowen

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

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

Members Participating (Teleconference): Dr. Samir Vakil, Dr. Daniel Gesek and Sally West

Member Absent (Officer): Michael Ayotte, Vice Chair

Staff: Robert Macdonald, Executive Director

DOH E-FORCSE Staff: Carl Hayes, Senior Pharmacist

DOH Division Director (Teleconference): Lucy Gee

Call to Order

The chair called the PDMP Foundation Board of Directors annual meeting to order at 1:01 p.m. Friday August 12, 2016.

Roll Call/Sunshine Law

The chair asked Ms. Bailey to provide the Sunshine Law statement and to call the roll. Ms. Bailey reported that a quorum of eight directors was participating in the meeting.

Additional Agenda Items

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

Adoption of Agenda

The chair called for adoption of the agenda. The agenda was adopted as distributed.

Approval of Minutes of Last Meeting (April 13, 2016)

The chair called for the approval of the Board of Directors minutes from the April 13, 2016 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.

Report of the Chair

The chair welcomed everyone to the annual meeting. He announced that Mr. Macdonald signed a new contract to continue as executive director for Fiscal Year 2016-2017. He then provided a national update on children's exposure to opioids.

Treasurers Report – Financial Update

Mr. Nazareth reported that as of August 12, 2016, the PDMP Foundation had \$998.06 in its Wells Fargo Bank Cash Account. In the Savings Account the balance was \$237,407.51. Including the investment account, the foundation's total assets are \$1,595,994.03.

Of the funds in the savings account, \$132,592.45 is in an E-FORCSE Designated Operations Fund. These funds consist of the unspent CVS/Caremark settlement funds for E-FORCSE operations contributed by the Attorney General's Office and interest earned for FY 2015-2016 which is a liquid asset not included in the investment funds; \$11,168.19 is in the E-FORCSE Operations Contingency Fund; \$72,038.72 is the balance of the PDMP Foundation Operations Fund; and \$21,087.50 is the PDMP Foundation Reserve Fund. The foundation has also received \$500 in contributions this fiscal year and has earned \$20.65 in Interest.

Investment Committee Report

The Treasurer reported that the PDMP Foundation Investment Committee consisting of himself as chair, Mr. Bowen and Dr. Vakil is overseeing the coordination of \$1.35M in settlement funds in managed CDs through Wells Fargo Bank private banking. These funds currently include six 6 month CDs staggered for rollover every three months. Five are jumbo CDs of \$250,000 and one is a \$100,000 CD. Each is placed in a different financial institution. He said that the bank will continue to rollover the CDs at the highest market rates available as they mature and until needed to be transferred back to the E-FORCSE operations fund to finance database operations under the Department of Health. All of the investments are FDIC protected.

He noted that the foundation began investing in CDs in January 2016. He said as of August 1, the foundation had earned \$3,055.53 in its Money Market Sweep Fund interest from its investments.

The treasurer recommended that \$100,000 of the designated E-FORCSE liquid operating funds currently in the business savings money market account be transferred to the investment account to purchase an additional CD. Following discussion the following motion was moved by Mr. Nazareth and seconded by Dr. Vakil:

MOVED, that \$100,000 of the E-FORCSE designated operating fund liquid assets in the Wells Fargo Business Money Market Savings Account is transferred to the Investment account to purchase another Certificate of Deposit.

Motion Adopted (Unanimously)

Report on 2015 Tax Returns

The Treasurer provided the board with an update on the 2015 tax returns 990 and 990T forms as prepared by the foundation's Certified Public Accountant. He said that the total assets reported to the IRS for the

year were \$1,597,982. He said that liabilities were \$24 for total net assets of \$1,597,958. He reported that the foundation had \$1,850 in unrelated business income and owed \$128 in Federal income tax for the year.

Mr. Macdonald added that the signed tax forms with the taxes owed were sent to the IRS following approval of the tax returns by the chair and treasurer. He also said that the forms were included in the PDMP Foundation annual report.

FY 2016-2017 Budget Update

The Treasurer reported that the Fiscal year 2016-2017 PDMP Foundation operating budget of \$82,400 approved by the board at its April conference call was forwarded to the Department of Health for review and action. He said that the department approved the budget in June.

Department of Health Report

The chair called on Mr. Hayes for an update on E-FORCSE operations. He said that as of August 2016 there were over 192M prescriptions in the database and that about 3.2M prescriptions are uploaded monthly. There are also over 500,000 queries for information received on a monthly basis. He said that 21,700 prescribers and 16,500 pharmacists have registered to use the PDMP. Of those registered, 30,000 have made 28M queries since operations began in 2011.

Mr. Hayes then discussed funding. He said while E-FORCSE has received over \$2.4M in federal grants for database enhancements and special projects since its inception and that the current grant funds will end at the close of this fiscal year. The ability for the PDMP to seek additional grants in the future will depend on if the legislature will amend the law to address interoperability allowing Florida to share information with other states and uploading information to Electronic Health Records which is interconnectivity. He said that E-FORCSE operation expenses for 2018-2019 will be about \$703,000.

He then reviewed several projects that the DOH was working on related to PDMP including a joint effort with the University of Florida to develop an intergovernmental agreement to enhance existing proactive reporting efforts to prescribers and law enforcement. The department is also working with the Department of Children and Families under a Partnership in Success Grant funded by the Abuse Mental Health Service Administration which is providing funds for system enhancements to address naloxone alerts when patients exceed defined thresholds.

Mr. Hayes also said the 2016 legislature passed a new law to allow a licensed healthcare practitioner, pharmacist or dispenser registered to use the database to authorize a designee to have direct access to the system to check a patient's use of controlled substances. He said that the E-FORCSE staff was in the process of developing rules to implement the law which would include a training course. He said that the new law should be operational by September.

DOH Division Director Update

The chair called on Ms. Gee for any remarks. She said that the 2017 DOH legislative package would address the continuation of the PDMP Foundation as a Direct Support Organization to support E-FORCSE operations.

Re-Confirmation of the PDMP Foundation as a DSO by the Legislature

The board discussed the possibility that the Florida Senate would sunset the PDMP Foundation during its next legislative session. Mr. Macdonald reported that under the current PDMP law establishing the

foundation as a DSO under the Department of Health to fund E-FORCSE operations will be repealed in October 2017 if the Florida Senate does not approve it to continue. He said that Jennifer Lloyd, Chief Legislative Analyst for the Senate Health Policy Committee, was assigned the task of developing a report on the foundation's activities in support of E-FORCSE. He said that Ms. Lloyd met via conference call with E-FORCSE program manager Becki Poston, E-FORCSE Outreach Director Erika Marshall, a representative of the DOH legislative staff and he on August 8 to discuss the foundation's operations and successes. He said that it was a very positive meeting and that he and Ms. Poston provided copies of the foundation's annual report, Bylaws, DSO contract and the Memorandum of Understanding between the Attorney General and the PDMP Foundation for the use of the CVS/Caremark settlement funds to support E-FORCSE sustainability. Ms. Lloyd discussed the review process and will provide a timetable as to when the committee will take action on the matter.

The chair said that it would be important for all board members to be prepared to work with the Department of Health legislative staff to provide any testimony as needed at any hearings on the continuation of the foundation as a DSO during the next legislative session. He said that the foundation will work with Ms. Gee and Ms. Poston on this effort to continue the foundation's mission.

Executive Director's Report

Mr. Macdonald updated the board on fundraising activities. He said that he had attended state conferences for the Florida County and City Management Association, Florida Dental Association, Florida Pharmacy Association, Florida Society of Interventional Pain Physicians, Florida Sheriff's Association, and Florida Chapter of Emergency Physicians to promote and seek support for the PDMP Foundation and E-FORCSE. The chair announced that he had just received a \$1,000 contribution from the Pasco County Sheriff in support of foundation's activities.

The executive director then reported that the State Surgeon General had approved re-appointment of Mr. Bowen, Mr. Ayotte, Ms. Bailey and Dr. Vakil to two year terms on the board of directors. He said that two vacancies remained on the board and requested board members to make recommendations of candidates to fill the board openings.

Mr. Macdonald gave an update on the PDMP Online course being developed in conjunction with the Florida Medical Association. He said that some revisions were being done to the introduction of the course due to the change in the State Surgeon General position. He said that a live course was presented at the Florida Dental Convention featuring Ms. Poston, attorney Jason Winn and he. The three hour continuing education course was well received and a \$2,500 sponsor fee was funded by a gift from the Walgreens Corporation thanks to the efforts of board member Sally West.

In relation to the status of the PDMP Foundation website, Mr. Macdonald said that he works on a continuing basis with webmaster Wil Martindale to update the site and keep it current. He also mentioned that the foundation social media site on Facebook had over 200 regular followers.

At the request of the Florida Dental Association, the executive director noted that he and Dr. Gesek were co-authoring an article on the utilization of the PDMP in a dental practice for the fall wellness special edition of the *Florida Dental Journal*. He said the article was due out in October 2016.

Mr. Macdonald reminded the board that the current DSO contract with the Department of Health was up for renewal in January 2017. He said that he would work with the chair on developing a new contract to

continue the relationship between the PDMP Foundation and the DOH to support E-FORCSE operations pending Senate removing the repeal of the DSO.

The executive director said that 2016 Annual Report was submitted to the Department of Health in late July. He said that it was reviewed by the DOH and approved and forwarded to the Governor's Office, Speaker of the House and Senate President.

Mr. Macdonald then reviewed the yearly recertification process as required by contract with the Department of Health. He said that the board had requested him to submit for approval of recertification at its April meeting and that a request was presented to the DOH. He then reviewed the letter of July 30, 2016 from Ms. Poston which certified that the PDMP Foundation was in compliance with the terms of the DSO contract and was working in the best interests of the State of Florida.

Request by Florida Hospital Association for Support of ARNP Online Course

The board reviewed the request of the Florida Hospital Association to seek support in the amount of \$1,000 for the development of an online course to train ARNPs about prescribing controlled substances and the use of the PDMP database. Ms. Poston recommended the foundation support the program as it would help increase the number of ARNPs registering to use E-FORCSE.

Following discussion, Mr. Nazareth moved and it was seconded by Ms. Bailey the following Motion recommending adoption:

MOVED, that the PDMP Foundation donate \$1,000 from the Reserve Fund to the Florida Hospital Association Education and Research Foundation for the development of an Online course for ARNPs to train them on prescribing controlled substances and the use of the PDMP database to access patient information in accordance with the PDMP law.
MOTION adopted unanimously.

PDMP Activities at the FAPM Conference

Mr. Macdonald said that he and Mr. Hayes would have a table in the registration area of the Florida Academy of Pain Medicine annual meeting on Saturday and Sunday to promote the PDMP to conference attendees. He also said that Mr. Hayes would address the attendees providing an update on E-FORCSE on Saturday.

Election of Officers

The chair called for discussion of the election of officers. He asked if there were any board members who wished to run for office or who didn't wish to serve in their current officer capacity. Since there were no nominations from the floor for any of the officer positions the board agreed that the current officers should remain in their leadership positions. Therefore, by virtue of the board's decision and without opposition, the following members were declared re-elected by acclamation:

Mr. Bowen, Chair
Mr. Ayotte, Vice Chair
Ms. Bailey, Secretary
Mr. Nazareth, Treasurer

Public Comment

Several members attending the Florida Academy of Pain Medicine conference attended portions of the board meeting and all had positive comments about the PDMP Foundation's support of E-FORCSE and the need for the program to help curtail prescription drug fraud and abuse.

Announcements

The chair called for any announcements. Ms. Gee gave an update on the success of E-FORCSE and future legislation relative to pain clinic requirements.

The chair announced that the Senate Health Care Policy Committee was chaired by Senator Aaron Bean. He also said that Dr. Cary Pigman, an emergency physician, was the chair of the House Health Quality Subcommittee.

Date of Next Meeting

The board discussed having its next meeting via conference call in November. It agreed that if necessary its next live meeting would be in Tallahassee during the 2017 legislative session in March or April depending on the action of the Senate Health Policy Committee.

Adjournment

Hearing no further business, the chair called for the adjournment of the meeting. The meeting was adjourned at 2:27 p.m., Friday August 12, 2016.