



**BOARD OF DIRECTORS**  
**CONFERENCE CALL MEETING**  
**MINUTES**

Date: Monday December 17, 2018

Time: 6:00 p.m. (EST)

Chair: Dr. Jill Rosenthal

Members Present (Officers): Dr. Samir Vakil, Vice Chair and Greg Nazareth, Treasurer

Members Present (Directors): Dr. Lee Ann Brown, Dr. Daniel Gesek, Angela Nelson, Lorraine Duthe, Sally West and the Hon. Al Nienhuis

Member Absent (Director): Dr. Anthony Silvagni

Consultant: Robert Macdonald, Executive Director

DOH Staff: Lucy Gee, Division Direct, Medical Quality Assurance and Becki Poston, E-FORCSE Program Manager

**Call to Order**

The chair called the PDMP Foundation Board of Directors conference call meeting to order at 6:02 p.m., Monday December 17, 2018.

**Roll Call/Sunshine Law**

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

**Approval of Minutes of Last Meeting (May 7, 2018)**

The chair called for the approval of the Board of Directors minutes from the May 7, 2018 conference call. A motion was made by Sheriff Nienhuis and seconded by Ms. West 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 gave a report on the negotiations with the Attorney General's office culminating in the adoption of a revised Memorandum of Understanding to use a portion of the \$1.5M restricted funds under foundation management in support of the state's prescription drug monitoring program. She thanked the board for enduring over seven months of communications and draft documents with Attorney General Pam Bondi and her chief deputy Trish Conners and special counsel Andy Benard. The chair also gave special thanks to Mr. Nazareth and Mr. Macdonald for their effort in meeting with the attorney general's staff in Tallahassee to finalize the new agreement. Mr. Macdonald said that the reasons for the delay in approving a new agreement were the involvement of the Attorney General's office in the transition process following the election as well as the hurricane that hit the Florida Panhandle and the filing of other priority law suits addressing the state's Opioid epidemic.

The chair then said that with the adoption of the new MOU a retroactive FY 2018-2019 budget of \$135,642 for project and program administration and foundation operations was recommended by the board and approved by the Attorney General. She said that of this total \$65,314 was for support of E-FORCSE educational programs and the remainder of all non-budgeted funds would be invested in the foundation's Wells Fargo Platinum savings and brokerage accounts per the agreement with the Attorney General.

The chair then notified the board that the executive committee had approved a retroactive contract to July 1 for Mr. Macdonald to continue as an independent contractor with title of executive director. The services that he would provide would include management of the operations of the foundation and in conjunction with the DOH staff administration of E-FORCSE projects and programs funded by the foundation.

The chair then discussed the filling of vacancies on the executive committee. She noted that both the former chair and vice chair David Bowen and Karen Bailey had resigned from the foundation over the past year. She said that since the bylaws were silent on filling officer vacancies prior to official elections that the remaining members of the executive committee agreed that the secretary should fill the position of chair. She then said that Dr. Vakil, as director-at-large, agreed to move to vice-chair with Mr. Nazareth remaining in the treasurer position. She said that following a request to seek board members interested in filling the vacant secretary position that Dr. Brown offered her name for consideration.

Following discussion, Sheriff Nienhuis made the following Motion:

MOVED, that the PDMP Foundation Board of Directors ratify that the executive committee for the remainder of the 2018-2019 Fiscal Year or until a formal election is held at a future meeting be comprised of the following officers: Dr. Jill Rosenthal, Chair; Dr. Samir Vakil, Vice-Chair; Mr. Greg Nazareth, Treasurer and Dr. Lee Ann Brown, Secretary.

MOTION SECONDED by Ms. West  
MOTION ADOPTED Unanimously

## **Treasurer's Report:**

### **2018-2019 Fiscal Budget**

Mr. Nazareth said that with the execution of the revised Memorandum of Understanding a new retroactive FY 2018 -2019 budget was approved by the board of directors in consultation with the Attorney General's Office. The budget allocated \$135,642 from the Attorney General's restricted contribution to the foundation for operations and project and program administration related to the Department of Health/E-FORCSE promotion of the state's prescription drug monitoring program and best practices for prescribing controlled substances.

For project and program development, implementation and administration the budget provides \$95,314. This includes monies for user training, promotions, educational webinars, on-line E-FORCSE updates, production of new informational materials and exhibit displays, advertising in professional journals, social media upgrades and sponsorships at conferences, conventions and trade shows.

The budget also funds \$30,328 for foundation operations and management of the restricted funds. There is also a \$10,000 contingency fund for any unbudgeted projects and programs.

### **Financial Update:**

The treasurer reported that as of December 14, 2018, the total PDMP Foundation assets are \$1,498,904 in Wells Fargo banking and brokerage accounts. This includes \$6,865 in the checking account; \$130,875 in Restricted Funds and \$11,263 in Unrestricted Funds in the Business Savings Platinum Account with an interest rate of 1.1%; and \$1,350,000 in the brokerage account.

He said that expenses retroactive to July 1 were \$21,581 of which \$1,956 was for projects and programs administration; \$3,279 for foundation operations; and \$16,346 for contract services to manage the foundation's business.

### **Investment Account Update:**

The treasurer then updated the board on the foundation investments. He said that the PDMP Foundation's brokerage account total includes \$1,350,000 in five six month \$250,000 CDs and one three-month \$100,000 CD. All of the certificates of deposit are FDIC insured. The interest rate for the five \$250,000 certificates is 2.5% and the three-month CD is 2.4%.

## **Executive Director's Report:**

- Mr. Macdonald thanked the board for its confidence in his management of foundation operations. He then discussed the coordination of funds allocated in the fiscal budget for practitioner and law enforcement educational programs. Mr. Macdonald said that he was working with the E-FORCSE staff on securing booths at major state healthcare and law enforcement conferences and trade shows. He mentioned that in January the foundation/E-FORCSE would have booths at the Florida Police Chiefs Association, Florida Podiatric Medical Association, Florida Sheriffs Association and at an Osteopathic Winter Seminar. He also said that exhibit booths would also be present at the Florida Osteopathic Medical Association convention, the Florida Dental Conference and the Florida Pharmacy Association conference. He said that he would continue to work with Ms. Poston on funding for other projects and

programs to promote best practices for use of the PDMP database and prescribing controlled substances.

- Mr. Macdonald notified the board that the Director and Officers Insurance Policy would be coming up for renewal in January. He said that the yearly cost for board member coverage was \$1,400.
- He then related to the board that under the new agreement with the Attorney General an independent audit would be needed for FY 2018 – 2019. He said that he would research firms that could complete the audit at a reasonable cost.
- Mr. Macdonald said that he would be working with the executive committee and the DOH staff in preparation of the FY 2019 – 2020 budget. He said that the budget will need to be adopted by the board and forwarded to the Attorney General's Office prior to sending it to the Department of Health for approval. He said this process needed to be done by May 2019.
- He said that the following board members current terms on the foundation were up in July 2019: Mr. Nazareth, Dr. Brown, Dr. Gesek, Ms. West, Dr. Silvagni, Sheriff Nienhuis, and Ms. Nelson. He said that he would contact the members directly to determine if they wish to seek reappointment and speak to the State Surgeon General's office about staggering terms during the re-appointment process.
- Mr. Macdonald then notified the board that the foundation's two-year contract with the Department of Health to remain as a Direct Support Organization in support of E-FORCSE was up for renewal in January 2019. He said that he would work with the executive committee and Ms. Poston to prepare and execute the new contract. He also said that the foundation would also need to seek certification renewal from the Department for the annual report.
- In regards to the possibility of changing the name of the foundation, Mr. Macdonald said that the State Surgeon General did not feel that it was necessary to make any name change at this time. He also said that with the execution of the new MOU with the Attorney General's Office there was also no need to entertain any change in the name of the foundation which is listed as a party under the new agreement.
- Mr. Macdonald updated the board on the transfer of the PDMP Foundation website Domain and email hosting from AC Strategy to MyWebMarket.com. He said that Wil Martindale of MyWebMarket.com was the foundation's current webmaster and that the migration of the site was completed without a problem.

#### **Report from E-FORCSE and Department of Health:**

Ms. Poston provided an in-depth update on E-FORCSE activities since the legislature passed HB 21-- the new controlled substance law—during the 2018 session. She said that with the mandatory requirement for practitioners to register to use the PDMP database prior to prescribing a controlled substance to a patient over 102,000 physicians, dentists, podiatrists, pharmacists, nurse practitioners, physician assistants and optometrists have enrolled. The department is receiving over 4.34M queries a month into the system.

She said that the E-FORCSE staff has also been busy with educational programs, webinars, presentations to healthcare groups providing user training updates. Ms. Poston referred the board to the E-FORCSE

annual report for further updates on the program. She then said that there is a need for additional part-time staff to assist with the heavy influx of practitioner communications and with the overall E-FORCSE education and training processes. Ms. Poston suggested that the foundation consider allocating funds for hiring part-time staff in its FY 2019-2020 budget.

Ms. Gee, as Division Director, told the board that she commended Ms. Poston and the entire E-FORCSE staff for their efforts to administer the PDMP with its major practitioner growth due to the new mandatory use requirement under the controlled substance law. She also felt that any assistance the foundation could provide for hiring of part-time staff would help.

Mr. Macdonald said that while there were no funds for part-time help in this year's budget that the board could approve use of contingency monies to help fund this request for the remainder of the fiscal year. He also said that he would work closely with the DOH in the development of next year's budget to allocate sufficient funds for this need.

The chair thanked Ms. Poston and Ms. Gee for their input on Department and E-FORCSE activities. She requested Mr. Macdonald to work closely with the E-FORCSE staff to ensure that monies were used for needed educational programs.

### **Public Comments**

The chair called for any public comments. None were presented.

### **Announcements**

The chair called for any announcements. None were made.

### **Date of Next Meeting**

The chair said that the next meeting of the PDMP Foundation board would be noticed and probably be scheduled in June. She said the Executive Committee would be working on a date for the annual meeting which is usually held in conjunction with one of the healthcare state conferences.

### **Adjournment**

The chair adjourned the meeting at 6:50 p.m., Monday December 17, 2019.