



BOARD OF DIRECTORS
CONFERENCE CALL MEETING
MINUTES

Date: Thursday May 16, 2019

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

Chair: Dr. Jill Rosenthal

Members Present (Officer): Dr. Samir Vakil, Vice Chair

Members Present (Directors): Dr. Anthony Silvagni, Lorraine Duthe, Sally West and the Hon. Al Nienhuis

Member Absent (Officers): Dr. Lee Ann Brown, Secretary and Greg Nazareth, Treasurer

Members Absent (Directors): Dr. Dan Gesek and Angela Nelson

Consultant: Robert Macdonald, Executive Director

Call to Order

The chair called the PDMP Foundation Board of Directors conference call meeting to order at 6:05 p.m., Thursday May 16, 2019.

Roll Call/Sunshine Law

In the absence of the Secretary the chair asked Mr. Macdonald to provide 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 (December 17, 2018)

The chair called for the approval of the Board of Directors minutes from the December 17, 2018 conference call. A motion was made by Dr. Silvagni 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 stated that the main item of board business on the conference call was to adopt the 2019-2020 fiscal budget for submission to the Department of Health for approval. She noted that the executive committee and board had reviewed the preliminary budget by email with no changes. It was then submitted to the Attorney General's Office for review as required in the Memorandum of Understanding for use of restricted funds for support of E-FORCSE outreach and education programs. The chair confirmed that the AGO had approved the budget for the next fiscal year.

Following discussion, Dr. Vakil made the following Motion:

MOVED, that the PDMP Foundation Board of Directors adopt the FY 2019-2020 budget and forward to the Department of Health recommending approval.

MOTION SECONDED by Sheriff Nienhuis
MOTION ADOPTED Unanimously

The chair then discussed the status of PDMP Foundation board of director appointments and re-appointments. Mr. Macdonald added that he contacted the State Surgeon General's office regarding those directors whose terms conclude in July 2019 and was told that by law the surgeon general had the only authority to make the appointments. He said that the Florida Senate had not yet held a confirmation hearing for the governor's recommended appointment for the position.

Treasurer's Report:

In the absence of treasurer, the chair called on Mr. Macdonald to present Mr. Nazareth's report. The executive director presented the following to the board for information:

Financial Update:

As of May 7, 2019, the total PDMP Foundation assets were \$1,453,845.94 in Wells Fargo banking and brokerage accounts. This includes \$4,216.03 in the checking account; \$87,137.44 in Restricted Funds and \$11,546.04 in Unrestricted Funds in the Business Savings Platinum Account; and \$1,350,946.43 in the brokerage account.

Investment Account Update:

The PDMP Foundation's Wells Fargo Bank brokerage account total includes 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%. The account also includes \$692.93 in cash. The total market value of the certificates is \$1,350,253.50. Including the cash, the total monies in investments is \$1,350,946.43.

2018-2019 Fiscal Budget

With the execution of the revised Memorandum of Understanding the 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.

The funds allocated for project and program development, implementation and administration totaled \$95,314. This included funds 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.

As of May 7, 2019, the expenses for outreach and educational projects and programs totaled \$19,046.44. In addition, 60 percent of the consultant/executive director's contract fee totaling \$25,384.66 was allocated towards administration of projects and programs. The total expenses to this budget area to date are \$44,431.10.

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.

Currently, the total expenses for foundation operations are \$6,575.38. The remaining 40 percent of the consultant/executive directors contract fee is allocated for the management of the association's business. As of this report the total fee for management is \$16,923.10. The total for operational expenses is \$23,498.48.

The current total expenses allocated to the approved budget for the fiscal year is \$67,929.58. This total is 51 percent of the approved budget with approximately six weeks left in the fiscal year. It should be noted that the current budget was forwarded to the Attorney General's Office in April 2018 and not approved until November 2018 therefore many of the proposed program's in this year's budget will not be funded until next fiscal year because of the delay in receiving approval for the use of restricted funds.

The chair thanked Mr. Macdonald for reviewing the treasurer's report. She called for any questions on the foundation's financial status. Hearing none, the chair said that report would be accepted for information.

Executive Director's Report:

Mr. Macdonald provided the board with an update on administration of E-FORCSE outreach and educational projects and programs. He also provided the status on the management of the foundation's tax-exempt operations as a Direct Support Organization of the Department of Health.

The executive director said that with approval by the Attorney General for use of the donor restricted funds managed by the PDMP Foundation that between January and March 2019 he and E-FORCSE staff had exhibited at eight state health care and law enforcement association conferences and trade shows. He said that in June the PDMP/E-FORCSE exhibit would also be at two more conferences. He said that the conferences included ones with osteopathic physicians, podiatric physicians, physician assistants, surgeons, psychiatrists, dentists, sheriffs and police chiefs.

In addition, Mr. Macdonald said that the foundation was able to produce new exhibit displays for its role in support of outreach and education and for the promotion of E-FORCSE. He said that funds were also used for PDMP database user processes and Take Control of Control Substances educational handouts. The foundation also allocated funds from the budget for marketing and advertising to enhance the awareness to practitioners of E-FORCSE.

Mr. Macdonald said that the 2019-2020 budget would allow the foundation to continue its efforts in support of the state PDMP. Beginning in July, foundation and E-FORCSE staffs would be attending state conferences including the Florida Pharmacy Association, Florida Medical Association, Florida Nurse Practitioners Network, Florida Health System Pharmacists, Florida Optometric Association, Emergency Room Physicians, Osteopathic physicians' seminar, Florida Sheriffs Association, Florida Society of Interventional Pain Physicians and Florida Academy of Pain Medicine.

He then updated on the board on the renewal of its Directors and Officers insurance policy. Mr. Macdonald said that the yearly premium of \$1,400 was paid for coverage by CHUBB.

Mr. Macdonald then informed the board that he had forwarded a new two-year contract to the Department of Health for the continuation of the Florida PDMP Foundation as a Direct Support Organization to assist with supplemental funding of E-FORCSE outreach and educational programs. He said the contract was scheduled to be effective from 2019 – 2021. The DOH staff is waiting for the Governor's appointment for State Surgeon General to take the position pending Senate confirmation.

The Executive Director then discussed the budgeted funding for the program analyst position. He said that E-FORCSE program manager Becki Poston had recommended the foundation fund the position. This would be a part-time position to conduct studies on the efficacy and efficiency of the PDMP as required in Chapter 893.055 (15) and the Memorandum of Understanding approved by the Attorney General's Office.

Mr. Macdonald also said that the Department of Health would be submitting a letter with the PDMP Annual Report certifying that the foundation was meeting its requirements as a DSO. This is an annual requirement under the PDMP law establishing the foundation as a Direct Support Organization to the DOH.

In closing his remarks, the executive director informed the board that George Ponczek, the foundation's CPA, would be completing the 2019 IRS 990 forms for inclusion in the annual report. He would also wait for a determination if the DOH wants a full audit of the income and expenses for the year completed.

Legislative Update

In the absence of a representative from E-FORCSE, Mr. Macdonald and Ms. West provided an update on key legislation adopted during the 2019 session relative to the state PDMP. They reviewed HB 1253, HB 451 and HB 375.

HB 1253 requires the Department of Health to develop a unique identifier for each patient in the PDMP database system and prohibits the unique identifier from identifying or providing a basis for identification by unauthorized individuals. It also authorizes that the Attorney General may request information for an active investigation or pending civil or criminal litigation involving prescribed controlled substances and requires such information to be released upon the granting of a petition or motion by a trial court.

HB 451 directs the Department of Health (DOH) to develop and publish on its website an educational pamphlet regarding the use of non-opioid alternatives to treat pain. The bill requires that health care

practitioners, except pharmacists, discuss non-opioid alternatives with patients prior to prescribing, ordering, dispensing, or administering opioids. A health care practitioner must also provide a copy of the DOH-developed pamphlet to a patient and document the discussion in the patient's medical record. These requirements do not apply to emergency care and services.

HB 375 authorizes DOH to enter into reciprocal agreements to share prescription drug monitoring information with specified federal agencies; exempts from requirement to check patient's dispensing history the prescribing of or dispensing controlled substance to patients admitted to hospice for alleviation of pain related to terminal condition or to patients receiving palliative care for terminal illnesses.

Status of State Surgeon General Appointment

Mr. Macdonald said that Gov. DeSantis appointment of Dr. Scott Rivkees, current chair of the Department of Pediatrics at the University of Florida, as State Surgeon General did not receive Senate confirmation during the 2019 session. Thus, the position remains open until the confirmation hearing is scheduled. He said that under Florida law Dr. Rivkees could be seated in the position without confirmation through two legislative sessions.

Public Comment

The chair called for public comments. None were presented.

Announcements

The chair called for any announcements. None were made.

Date of Next Meeting

The chair called for discussion regarding the next board meeting. She said that a live meeting should be considered and that this could be scheduled in conjunction with a large state healthcare association conference. Mr. Macdonald suggested that the board consider holding the meeting with the Florida Medical Association convention either August 9 or 10th at the Hilton Bonnet Creek, Orlando.

The chair requested Mr. Macdonald to poll the board to determine how many members would be available on that date. If the majority of the board would be able to attend then she said to check with the FMA staff to see if arrangements could be made for the board meeting.

Adjournment

The chair said that without objection that the conference call was adjourned at 6:36 p.m., Thursday May 16, 2019.