

CONTROLLED SUBSTANCE MONITORING DATABASE ADVISORY
COMMITTEE MEETING
JANUARY 8, 2013
227 FRENCH LANDING, IRIS ROOM
NASHVILLE, TN
MINUTES

Members Present

Dr. Don Polk, Board of Osteopathic Examination, Chairperson
Dr. Richard Orgain, Board of Optometry
Dr. Michael Baron, Board of Medical Examiners
Dr. Andrew Holt, Executive Director, Board of Pharmacy
Dr. Jason Kizer, Board of Pharmacy
Dr. Forest Reynolds, Board of Veterinary Medical Examiners
Dr. Lawrence Hsia, Board of Dentistry
Mr. Jonnie Presley, Board of Physician Assistants
Ms. Rosemarie Otto, Director, Health Related Boards/ Executive Director, Board of Medical Examiner
Ms. Patricia Eller, Board of Medical Examiners
Ms. Joyce McDaniel, Board of Pharmacy

Members Absent

Dr. Lawrence Burns, Board of Podiatric Medical Examiners

Staff Present

Dr. Mitchell Mutter, Medical Director of Special Projects
Ms. Jane Young, General Counsel
Mr. Stefan Cange, Advisory Attorney
Sheila Bush, Administrative Manager, Board of Pharmacy
Tracy Bacchus, Administrative Assistant

The Controlled Substance Monitoring Database Advisory Committee convened on Tuesday, January 8, 2013 in the Iris Room, 227 French Landing, Nashville, TN. Dr. Polk, and Committee

Chairman, opened the meeting and requested that each member introduce themselves. Dr. Polk declared a quorum to be present.

Minutes

The minutes from the August 21, 2012 were presented to the committee. Ms. McDaniel made the motion to approve the minutes as presented. Dr. Reynolds seconded the motion. The motion carried.

Exemptions from Reporting Requests

Dr. Baron made the motion to approve the following requests except Alexian Brother for exemption from electronic reporting to the controlled substance monitoring database. Ms. McDaniel seconded the motion. Ms. McDaniel amended the motion to approve Alexian Brothers request for exemption from electronic reporting to the controlled substance monitoring database if the paperwork is correct. Dr. Orgain seconded the motion. The motion carried. Ms. Eller abstained.

Michael Grindstaff	Premier Care (Premier Kids Care, Inc)
Daniel Loper	Pharmaceutical Specialties Express
Larry Leseberg	Valley Vet Pharmacy
Ron Rahe	GE Pharmacy Services
Andrea L. Carpenter	Hemophilia of Georgia
Julian M. Williams	Med4Home Pharmacy
Katherine Zimmerman	Tri-County Veterinary Hospital
David Armstrong	Fresenius Medical Care Rx
David Cornelius	University Cancer Specialist
Royce Burruss	Onco Source Rx
Mark Zilner	Diamond Pharmacy Services
Pamela Smith	Biologics, Inc

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Robert L. Hanks	
Rebon Brent M. Pugh	
Robert Y. Hanks, DVM	
Jill L. Bates, DVM	
Shannon Stacy Vawter, DVM	
Susan Reed Sink	Liberty Medical Supply Pharmacy
Shahla Melamed	Roxsan Pharmacy, Inc.
Greg Green	Woods Memorial Hospital Pharmacy
James Cathey	East TN Children's Hospital Pharmacy
Michael Kortebein	Alana Healthcare Pharmacy
Diana Bada de Ross	ASL Pharmacy
Joan Hendrix Tansil, D.Ph.	TN Technology Univ.
Pariyit H. Modi	Easy Scripts
Angela Chin	Reliant Pharmacy Service
Alma Jean Quintero	Affinity Biotech, Inc
Thomas Westrich	Centric Health Resources
Arnold Cole	Precision Healthcare
Barbara Hodges, DVM	Get'em Done Spay- Neuter Clinic

Waiver from Electronic Reporting Request

Dr. Kizer made the motion to approve the Animal Emergency & Specialty request for waiver from electronic reporting to the controlled substance monitoring database. After discussion, Dr. Kizer made the motion to approve Animal Emergency & Specialty's request for waiver from electronic reporting. Ms. McDaniel seconded the motion. The motion carried. Dr. Barron voted no.

General Discussion

Dr. Holt introduced Dr. Zhi Chen to the committee. Dr. Chen is the epidemiologist that will be working with the controlled substance monitoring database.

Dr. Holt went over the report to the General Assembly with the committee. After discussion, Dr. Hsia made the motion to submit the report to the General Assembly with the amendments. Dr. Baron seconded the motion. The motion carried.

Dr. Mutter informed the committee that he sent out the 40 letters to the top 40 prescribers. There were 20 medical doctors, 15 nurse practitioners and 5 physician assistants found to be top prescriber. Ms. McDaniel asked how many license have been disciplined for overprescribing. Dr. Mutter stated that there have been several physicians who have had their licensed disciplined for overprescribing. Ms. McDaniel asked for a report of the licensees that have been disciplined for overprescribing at the next meeting. Dr. Mutter stated that he will have a report at the next meeting. Dr. Mutter informed the committee that he will be presenting a symposium on controlled substance monitoring in Memphis, Nashville, Johnson City, Knoxville and Chattanooga. Dr. Holt stated that the educational letters that the committee requested to be sent to the top prescribers have been sent and have gotten some response from the prescriber. He stated that it is too soon to see if there has been a change in prescribing practices but that they will keep a close watch on them to see if there has been a statistical change. Dr. Polk asked for a copy of the letter. Dr. Holt stated that he will send them out through email.

The committee stated that they would like to have set dates for when the committee will meet. Mr. Presley suggested having the meetings scheduled for January, April, August and December.

Dr. Mutter introduced Julie Loomis, Director of Risk Management for State Volunteer Mutual Insurance. Ms. Loomis is asking for clarification on whether the patient profile from the controlled substance monitoring database be added to the patient's medical record. Ms. Loomis stated that T.C .A. 53-10-306(k) (1) states that "Any person who obtains or attempts to obtain information from the database by misrepresentation or fraud is guilty of a Class A misdemeanor.

Mr. Presley stated that he thinks that the patient profile should be included in the medical record and he doesn't understand how this is considered a violation. Ms. Young informed the board of T.C.A. § 53-10-306 (c)(d)(h) which states "Any licensed practitioner or pharmacist receiving patient-specific information pursuant to subdivision (a)(1), (a)(2), (a)(3), or (a)(4) shall not disclose the information to any person other than; (1) The patient to whom the information relates and then only for the patient purpose of adjusting the patient's treatment plans or counseling the patient to seek substance abuse treatment; (2) Other dispensers identified by the information and then only for the purposes of verifying the accuracy of the information; and (3) Any law enforcement agency or judicial district drug task force to whom reporting of controlled substances being obtained in a manner prohibited by §53-11-402(a)(6) is required by §53-11-309. This statute will only allow the sharing of the patient profile in certain instances and the disclosure of the patient profile is very restrictive. Ms. Young stated that the issued is that it can be part of the medical record but making sure that it is not disclosed to improper entities and this may be where the liability comes from. Dr. Barron asked if the request can be put in the report to the General Assembly to get rid of this requirement. Ms. Young stated that it can be added.

Dr. Holt informed the committee about a pilot program with independent pharmacy in Tennessee to use real time submission of their dispensing to the database. The Federal Government has issued grants to the prescription monitoring programs. The program is based on a program in Oklahoma which has the best reporting of real time dispensing in the country.

Dr. Polk asked about data sharing with other states. Dr. Holt stated that the vendor is still testing the system and it should be done by the end of the 1st quarter. The states that will be sharing data with Tennessee are Kentucky, North Carolina, Virginia, South Carolina, West Virginia, Ohio and Mississippi.

Dr. Baron made the motion to adjourn at 11:10 a.m. Dr. Presley seconded the motion. The motion carried.

The minutes were amended and ratified at the April 16, 2013 committee meeting.