

CONTROLLED SUBSTANCE MONITORING DATABASE
COMMITTEE MEETING
JANUARY 27, 2014
665 MAINSTREAM DRIVE, IRIS ROOM
NASHVILLE, TN
MINUTES

MEMBERS PRESENT

Dr. Reginald Dilliard, Board of Pharmacy
Dr. Richard Orgain, Board of Optometry
Ms. Rosemarie Otto, Director, Health Related Boards/Executive Director
Ms. Patricia Eller, Board of Medical Examiners, Vice Chairperson
Mr. Brent Earwood, Board of Nursing

MEMBERS PRESENT ELECTRONICALLY

Dr. Michael Baron, Vice Chairperson, Board of Medical Examiners, Chairperson
Dr. Lawrence Hsia, Board of Dentistry
Dr. Jason Kizer, Board of Pharmacy
Dr. Don Polk, Board of Osteopathic Examiners
Ms. Joyce McDaniel, Board of Pharmacy

MEMBERS ABSENT

Dr. Paul Somers, Jr., Board of Podiatric Medical Examiners
Dr. Kim Johnson, Board of Veterinary Medical Examiners
Mr. Johnnie Presley, Board of Physician Assistant

STAFF PRESENT

Dr. Andrew Holt, Director, Controlled Substance Monitoring Database
Mr. Stefan Cange, Assistant General Counsel
Ms. Jane Young, Chief General Counsel
Ms. Denise Moran, Executive Director, Office of Investigation
Ms. Sheila Bush, Administrative Manager
Dr. Zhi Chen, Epidemiologist, Controlled Substance Monitoring Database
Ms. Debora Sanford, Project Manager
Dr. David Reagan, Chief Medical Officer, Department of Health

The Controlled Substance Monitoring Database Committee convened on Tuesday, January 27, 2014, in the Iris Room, 665 Mainstream Drive, Nashville, TN. Ms. Eller called the meeting to order at 9:03 a.m. and requested that each member introduce themselves. A quorum of the members was present.

Mr. Cange stated that since there is not a quorum physically present but electronically the Committee would need a motion that an electronic meeting under Tenn. Code Ann. §8-44-108(b)(1) the committee may, but is not required to, allow participation by electronic means of

communication for the benefit of the public and the committee in connection with this meeting. Pursuant to Tenn. Code Ann. §8-44-108(b) (2), in order for a quorum of members to participate by electronic means of communication, the committee must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances of which it was based, must be included in the minutes of the meeting. Dr. Orgain made the motion that due to the weather and other litigating circumstances some members could not be here physically it was decided to allow those members to participate electronically. Dr. Dilliard seconded the motion. A roll call vote was taken with each member voting in the affirmative.

Minutes

Dr. Kizer made the motion to approve the minutes from the October 8, 2013 committee meeting as presented. Dr. Dilliard seconded the motion. The motion carried.

Reports

CSMD Director Report

Dr. Holt presented to the committee the proposed Annual Report to the General Assembly as required by T.C.A. 53-10-209. Ms. Eller asked Dr. Holt if they have thought about doing trend lines. Ms. Eller stated that trend lines would show the depth of the progress that has been made. Dr. Holt stated that he can submit the report to the General Assembly as presented but at the next meeting show the committee what the report would look like with the trend lines added. After discussion, Dr. Dilliard made the motion to accept the Annual Report to the General Assembly as presented with trend lines added to next year's report. Mr. Earwood seconded the motion. The motion carried.

Dr. Holt informed the Committee that several enhancements have been made to the database including a practitioner versus a peer report. This enhancement will allow a practitioner to compare their practice with others of like specialties. Icons have also been added to patient reports to show notification of alerts level. The clinical notification alerting the practitioner of a patient who may be at risk will be the next enhancement to be added to the database. Dr. Holt stated that the alert would start off a 200 morphine equivalent and to step it down during a two month period so that users will not get alert fatigue. They are trying to get the morphine equivalent down to 120 that the committee recommended. Dr. Orgain asked about a report that was given that stated that the rate of deaths goes up at least eight (8) times with 100 or more morphine equivalents. Dr. Holt stated that it is roughly 13.2 times at a 100 or more. After discussion, Dr. Dilliard made the motion to start the alerts at 200 morphine equivalent and step it down within a two month period. Mr. Earwood seconded the motion. A roll call vote was taken with each member voting in the affirmative.

Office of General Counsel

Mr. Cange presented draft rules to the database that pertain to the linkage of the supervising physician drivers' license to the practitioner that they supervise in the database and reporting of controlled substance sales by drug distributors.

Legislation

Mr. Cange informed the committee of bills that are being presented in this year's legislation.

House Bill 1426/Senate Bill 1630 -would allow healthcare providers to place a copy of a patient's CSMD profile in that patient's medical records. The bill would also allow the Department of Health, the CSMD Committee, or other designees to release aggregate, de-identified information from the database to the public.

SB2113/HB2072- would allow judges and designated persons who work at drug court programs, to access the CSMD profiles of participants.

HB1427 – Naloxone/Good Samaritan law (Administration Bill)

SB1647 – Pseudoephedrine (as a Schedule VII controlled substance)

SB1791 – Pseudoephedrine (prescription only, appears to be Administration Bill)

HB1737 – Refills/filling of C-III and C-IV controlled substances

SB1819 – Deletes the Intractable Pain Act

HB1966 – Amends the Intractable Pain Act

SB1663 – Discipline for healthcare providers related to controlled substance violations, limitations on wholesale of controlled substances

HB1657- Office-based dispensing of non-narcotic C-V drugs

SB1833 – Prescription of controlled substances, duty to inform patient of alternate providers

Office of Investigation

Ms. Moran presented to the board a 2013 year- end report to the committee. The Office of Investigation conducted 37 audits and 19 of those were resulting from complaint investigations and 18 random audits. Of the 37 audits, 19 closed with no violations, 7 letters of concern, 3 letters of warning, 5 referrals to the Office of General Counsel for disciplinary actions, 1 requiring more information, and 2 closed upon arrival (the clinics were already closed when the investigator went to conduct the audit). Disciplinary actions taken in 2013 include 2 pain clinics

certification revoked by the Commissioner (1 pain clinic certificate revoked due to owner of the clinic being disciplined by their respective licensing board, and 1 pain clinic certification revoked due to the failure to maintain a medical director with an unrestricted, unencumbered license). Two pain management clinic certifications were surrendered due to the owner of the clinic having been disciplined by their licensing boards and changing locations without notifying the department or applying and receiving a new certification, accepting cash payment, and failure to utilize the required drug screens and pill counts.

Director of Special Projects Report

Dr. Holt spoke to the committee about Public Chapter 430 and how it relates to the chronic pain guidelines. Dr. Holt stated that Dr. Mutter will be traveling throughout the state seeking public comments concerning the chronic pain guidelines. Once this process is complete they will evaluate the public comments and then move forward with the next step which is presenting the chronic pain guidelines to the regulatory boards. Dr. Reagan stated that he would like that the boards to look at the drafted rules and if they have any comments to let them know.

Dr. Holt informed the committee of an upcoming rulemaking hearing which will add qualifications on becoming a medical director of a pain management clinic.

Dr. Holt explained to the committee that Dr. Mutter would like to pursue grants ideas with teaching hospitals to establish a pain service that the residence would go through. Dr. Reagan stated that the education component is a very important component and they are hoping to provide it to different regions in the state. He also stated it appears that the curve of milligram morphine equivalent seems to be leveling off and that this is the first time that they have been able to see this since the committee has been keeping records in 2007. Dr. Orgain asked if the higher prescribers of these substances receive any type of communication that encourages them to attend one of the Dr. Mutter's symposia. Dr. Holt stated that they do not send out any notifications but can send out email notifications or post the symposia meeting dates on the website letting the prescribers know the schedule for the meetings. Dr. Orgain stated that he thinks that a notification should be sent to the high prescribers recommending that they attend these meetings. Dr. Dilliard stated that since we already send letters to the top 50 prescribers that we could send a letter of notification to the prescribers letting them know when the symposia's will be held. Ms. Eller stated that you can send notifications to the different societies and associations informing them of the upcoming meetings. Sharon Atkins, Executive Director of the Tennessee Nurses Association, stated that they have sent the notification out to all of their advance nurse practitioners and she also stated that the physician assistants association has sent of the notifications as well.

Exemptions

Dr. Holt informed the committee that he has received information from Dr. Kenneth Salhany, concerning his two requests for exemptions that were deferred at the August 20, 2013 committee meeting. Dr. Salhany submitted a letter stating that he only dispensed phentermine products from both locations. After discussion, Dr. Dilliard made the motion to approve the following

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request for exemptions from electronic reporting to the controlled substance monitoring database. Mr. Earwood seconded the motion. The motion carried with a roll call vote.

Robert G. Nolan APAC Customer
Services, Inc. DBA
Medco

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Services, Inc. DBA
Medco

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Services, Inc. DBA
Medco

Robert G. Nolan APAC Customer
Services, Inc. DBA
Medco

Amy Nash Specialty
Pharmacy Mgmt.,
LLC dba Reliance
RX

Nereida Padilla Aetna Specialty
Pharmacy

Donna Sulcer McKenzie
Regional Hospital

Greg Killmeir Nutrishare, Inc.

Donald L. Jones Memorial North
Park Hospital
Pharmacy

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Anne Salisbury	CVS Pharmacy Inc., dba: CVS Pharmacy Central Pharmacy Services
Kenneth Ukauwa, PharmD	Henry Schein Animal Health
Frank LaCorte	Direct Pharmacy Source, Inc.
Mary L. Glenn	Hawkins Pharmacy, LLC
Grady Jerome Broome	Health South Chattanooga Rehab Hospital
Eva Pinke	Direct Success Pharmacy Department
Paul Manan	Petnet Solutions
Jane Ann Wisnewski	Pack4U, LLC
Kwei Leong	Cystic Fibrosis Services Inc.
Stuart E. Tolman	Physician Choice Pharmacy
Amy McMurtry	Stoneybrook Pharmacy
Stephen W. Leeds	Pioneer Community Hospital of Scott

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Samuel Awada AMOP Pharmacy

Trina Maglalang CPP Pct. Care

David P. Armstrong Fresenius Medical Care Rx

William H. Martin, Jr. William H. Martin, Jr. DVM

Heather Alford Elizabeth Paschall Advanced Pharmacy Camden Animal Clinic

Ron Ferguson Specialty Medical Drugstore

James L. Scott Cystic Fibrosis Services Inc.

Guan Wang Cystic Fibrosis Services Inc.

Shanna Hampton ALK-Abello

Larry Leseberg Valley Vet Pharmacy

Meena Shah BET Pharm

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David Alex
Coffey

David Bruce
Coffey

Timothy Hoffman MMS Solutions

Michael Grindstaff Premier Care

Julian Williams Med4 Home
Pharmacy

Diane Eicher Affinty Biotech,
Inc

Andrea Hemophilia of
Carpenter Georgia

Beth Sweeney Fresenius Medical
Care Rx

Thomas Edinger Medco

Jeffrey Romani Medco

Brady Buroker Medco

Michelle Catamaran Home
Primavera

Jill Cowie Medco

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Barry W Southern	Accredo Health
Steven Getz	Accredo Health
Maureen Fitzsimmons	Biopartners in Care
Angela Chen	Reliant Pharmacy
Angela K. Bailon	Performance Animal Health
Jerry Barrett	Family Medical Clinic
Susan O. Smith	Shared Solutions Pharmacy
Mary Beth Brown	TTU Health Services
David Diehl	Everest Pharmacy
Vincent Fusaro	Positudes, Inc
John S. Helfrich	Oncology Rx Care
Wendy Blackston	Rite Aid Specialty Pharmacy
Sarah Spangler	Star Medical Rx

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Lori Mariano Home Solutions

Brian Burford AnovoRx Group
Barbara Hodges Get 'Em Done
DVM Spray-Neuter

J. Todd Barrett Transcript
Pharmacy, Inc.
Pharmaceutical
Specialties
Daniel Loper, Express

Deborah Walmart
Pechaceu Pharmacy 10-535
Kathryn J. Kingston Animal
Simpson Hospital, PC

Jeff Hinchey Complete
Medical
Homecare
Pet Health
Solutions

Lisa Dimick PCM Venture I
LLC

Lisa Dimick Bella Brands, LLC

Shelly Barnes, South Church
DVM Animal Hospital

Charles AbbVie
Sommercorn Endocrinology
dba Pharmac
Solutions

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William Bucy	Medicine Arts Pharmacy
Joey Donoho, D.Ph.	Riverview Regional Medical Center
Allen Scorsatto	Community Healthcare Services
Michael Zeglino	BriovaRX
Ashley Vance	Saint Louis Pharmacy
Kenneth Ukauwa	Henry Schein Animal Health Supply
Jeffrey James	Reliant Pharmacy Services
Jill Bates,DVM	
Robert Yarbro Hanks, DVM	
Andrew C. Hanks, DVM	
Shannon Vawter, DVM	
Robert Lee Hanks, DVM	
Aubrey Haley, DVM	

Dr. Dilliard made the motion to deny the request from Turenne PharMed Co. for exemption from electronic reporting to the controlled substance monitoring database. Mr. Earwood seconded the motion. The motion carried with a roll call vote.

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Dr. Orgain made the motion to adjourn. Ms. Otto seconded the motion. The motion carried.

These minutes were approved and ratified at the May 13, 2014 committee meeting.