

Governor's Task Force on Prescription Drug and Heroin Abuse

Thursday, March 19, 2015

*General Assembly Building, House Room D
Richmond, Virginia*

MEETING MINUTES - APPROVED

Members Present

Co-Chairs

The Honorable William Hazel, Jr., MD, Secretary of Health and Human Resources

The Honorable Brian Moran, Secretary of Public Safety and Homeland Security

Members

David E. Brown, DC, Director, Virginia Department of Health Professions

Jan M. Brown, Executive Director, SpiritWorks Foundation

James A. Cervera, Chief of Police, Virginia Beach Police Department

Rick Clark, Chief of Police, Galax Police Department

Karl C. Colder, Special Agent in Charge, U.S. Drug Enforcement Administration, Washington Division Office

Debra Ferguson, PhD, Commissioner, Virginia Department of Behavioral Health & Developmental Services

Don Flattery, Impacted parent and community advocate for response to prescription drug and heroin abuse

Carol Forster, MD, Physician Director, Pharmacy & Therapeutics/Medication Safety, Mid-Atlantic Permanente Medical Group

The Honorable Charniele L. Herring, Member, Virginia House of Delegates

Cynthia E. Hudson, Chief Deputy Attorney General, Office of the Attorney General of Virginia

Rick Jenkins, Deputy Director, Bureau of Criminal Investigation, Virginia Department of State Police

The Honorable Jerrauld C. Jones, Judge, Norfolk Circuit Court

S. Hughes Melton, MD, VP, Medical Education and DIO NE&NW Markets, Mountain States Health Alliance, proxy for Dr. Mary McMasters

Sarah Tollison Melton, PharmD, Chair, One Care of Southwest Virginia

The Honorable John M. O'Bannon, Member, Virginia House of Delegates

The Honorable Nancy G. Parr, Commonwealth's Attorney, City of Chesapeake; President, Virginia Association of Commonwealth's Attorneys

A. Carole Pratt, DDS, Senior Advisor and Confidential Assistant, Virginia Department of Health, proxy for Dr. Marissa Levine

The Honorable Anthony Roper, Sheriff, Clarke County Sheriff's Office
Juan Santacoloma, Multicultural Liaison, Chesterfield County and SAFE Latino Coordinator
Patricia Shaw, Administrator, Henrico Drug Treatment Court and President, Virginia Drug Court Association
The Honorable Jennifer T. Wexton, Member, Senate of Virginia

Staff Present

Victoria Cochran, Deputy Secretary of Public Safety and Homeland Security, Office of the Governor
Shannon Dion, Director of Policy and Legislative Affairs, Virginia Department of Criminal Justice Services
Teresa P. Gooch, Division Director of Law Enforcement and Security Services, Virginia Department of Criminal Justice Services
Katya Herndon, Chief Deputy Director, Virginia Department of Forensic Science
Jennifer S. Lee, MD, Deputy Secretary, Office of the Secretary of Health & Human Resources
Jodi Manz, MSW, Policy Advisor, Office of the Secretary of Health & Human Resources
Ralph Orr, Director, Prescription Monitoring Program, Virginia Department of Health Professions
Mellie Randall, Director, Office of Substance Abuse Services, Virginia Department of Behavioral Health and Developmental Services
Laura Z. Rothrock, Executive Assistant and Operations Manager, Virginia Department of Health Professions
Jessica Smith, School and Campus Security Specialist, Division of Law Enforcement and Security Services, Virginia Department of Criminal Justice Services
Karen Sullivan, Administrative Planning Specialist, Virginia Department of Criminal Justice Services

Members Absent

Craig Branch, Chief of Police, Germanna Community College Police Department
The Honorable Bill Carrico, Member, Senate of Virginia
Lillian Chamberlain, Substance Abuse Services Team Leader, Norfolk Community Services Board
Kim W. Craig, MSN, RN, Executive Director, Staunton-Augusta County Rescue Squad and Vice President, Virginia Association of Volunteer Rescue Squads
Terry D. Dickinson, DDS, Executive Director, Virginia Dental Association
Francine C. Ecker, Director, Virginia Department of Criminal Justice Services
Mary Gavin, Chief of Police, Falls Church Police Department
The Honorable David R. Hines, Sheriff, Hanover County Sheriff's Office
The Honorable M. Keith Hodges, RPh, Member, Virginia House of Delegates
Marissa J. Levine, MD, MPH, State Health Commissioner, Virginia Department of Health

Mary G. McMasters, MD, FASAM, Addictionologist, Comprehensive Behavioral Health

Opening Remarks

William Hazel Jr., MD, Secretary of Health and Human Resources

Secretary Hazel called the meeting to order at 1:10 p.m. and welcomed the Task Force members and the public. He noted the just completed General Assembly session that included recommendations from this group.

Approval of Minutes

William Hazel Jr., MD, Secretary of Health and Human Resources

(Minutes of the December 16, 2014 Task Force meeting may be found on the Task Force website at www.dhp.virginia.gov/taskforce.)

Secretary Hazel indicated there was a correction to the minutes of the December 16, 2014 Task Force meeting. Item 4 on page 5 should read "Determine preferred methods for disposing of unwanted/needed drugs." The minutes showing the change are attached. It was decided that a vote on approval of the minutes would be postponed until the next Task Force meeting.

Approval of Interim Recommendations Report

Jennifer S. Lee, MD, Deputy Secretary, Office of the Secretary of Health & Human Resources

(Once approved by the Task Force, the Interim Report will be posted to the Task Force website at www.dhp.virginia.gov/taskforce.)

The Interim Report was distributed to the members electronically prior to this meeting and is a summary of all of the workgroup's recommendations. Secretary Hazel indicated that the workgroups that met earlier in the day had edits to the Report. It was decided that a vote on approval of the minutes would be postponed until the next Task Force meeting.

Legislative Update

Jennifer S. Lee, MD, Deputy Secretary, Office of the Secretary of Health & Human Resources

(Handout provided; see the Task Force website at www.dhp.virginia.gov/taskforce.)

There were six bills pertaining to recommendations from the Task Force, and four of them passed: HB1458, HB1810, HB1841, and HB1738. Delegates Herring, Hodges and O'Bannon were recognized for carrying these bills.

The two items which did not pass were HJ622 and SB1035. Delegate Herring, the patron for HJ622, indicated that the study needs more work. Senator Wexton, the patron for SB1035, noted

that the bill ran into a problem in the Finance committee, and an agreement could not be reached. Dr. Lee thanked both Delegate Herring and Senator Wexton for their work on these bills.

Dr. Lee introduced Brittany Anderson of the Attorney General's Office who discussed additional bills related to prescription drug and heroin abuse. Secretary Hazel thanked everyone for their work on all of these bills. Secretary Moran noted that the passing of the drug-related bills shows that the success of the Task Force is tremendous and that it was a collaborative effort.

Data/Monitoring Workgroup Presentation

Carol Forster, MD, Physician Director, Pharmacy & Therapeutics/Medication Safety, Mid-Atlantic Permanente Medical Group

(Handout provided – the numbers used below refer back to the handout; see the Task Force website at www.dhp.virginia.gov/taskforce for the handout.)

Dr. Forster went over the recommendations previously accepted by the Task Force. Of note:

#1 – Amend §54.1-2522.1 – Mandatory registration for pharmacists was added and the treatment agreement requirement for mandatory requests by prescribers was eliminated to remove any possible barrier to use of the Prescription Monitoring Program (PMP).

#4 – Place Morphine Equivalent Doses per Day (MEDD) Information on PMP Reports – implementation will be delayed to no later than July 1 due to technical issues.

#5 – Unsolicited Reports – Ralph Orr noted that the PMP Advisory Panel recommends that prescribers be sent reports based on the PMP data. Arizona's PMP is a good example of a program providing feedback reports to prescribers.

#6 – Prescriber Feedback Reports – Most prescribers, including Nurse Practitioners and Physician Assistants are eligible to get NPI numbers; Veterinarians cannot obtain one because they do not treat human patients.

#7 – Data Sharing – the main purpose is to decrease mortality from overdose but to also target intervention.

In regards to the potential legislative proposals from the workgroup, Dr. Forster indicated that more than half of the states are reporting in less than seven (7) days. Some states are doing same day reporting. The Task Force may want to consider recommending daily reporting. Secretary Hazel recommended that legislative efforts be started sooner rather than later.

Storage/Disposal Workgroup Presentation

Rick Clark, Chief of Police, Galax Police Department

(Handout provided – the numbers used below refer back to the handout; see the Task Force website at www.dhp.virginia.gov/taskforce for the handout.)

Chief Clark reviewed updates to the workgroup's previously accepted recommendations. Of note:

#1g – Mobile Incinerators – it appears that mobile incinerators will not be a viable option. The Other Solid Waste Incinerators (OSWI) regulations offer law enforcement an exemption from testing for contraband or prohibited goods when combusting. According to EPA, this exemption at 40 CFR 60.2887(p) does not apply to OSWIs that combust collected pharmaceuticals, and law enforcement would be subject to 40 CFR part 60 subpart EEEE testing for new OSWIs or 40 CFR part 60 subpart FFFF testing for existing OSWIs. The workgroup is looking at alternatives for disposal.

#2 – Drug Take-back Events – the U.S. Drug Enforcement Administration (DEA) is no longer doing these types of events. There was discussion on encouraging pharmacies to have drug take-back boxes, but pharmacies can be a target for crime including break-ins and diversion. Chief Clark thanked Secretary Moran for his January 14, 2015 letter to law enforcement. Secretary Moran suggested a subsequent letter to thank law enforcement for taking action.

Secretary Moran needed to leave the meeting, but before doing so, he recognized Chief Ray Tarasovic who retired from the Richmond Police Department in February. Chief Tarasovic will continue his work in the Enforcement workgroup and will be joined in the workgroup by his successor, Chief Alfred Durham. Secretary Moran thanked everyone for the work done to date on the Task Force and thanked the people who attended and testified at the General Assembly session.

Dr. Brown wanted to clarify that the issues for law enforcement are 1) where to dispose of these items and 2) the costs of disposal. Chief Clark agreed. In follow-up, Dr. Brown asked if any research has been done in how other states (e.g., Georgia) address these issues. Chief Clark indicated the workgroup has not yet done that research.

Additional discussion took place concerning incinerators with input from Deborah L. DeBiasi of the Virginia Department of Environmental Quality (DEQ). Prescription drugs collected by a drug collection box or at a take-back event are considered to be household waste, not medical waste. Household waste does not have to be incinerated but drugs should be “non-recoverable,” meaning incineration is optimal. The EPA (U.S. Environmental Protection Agency) regulations on air emissions and waste contribute to the cost to incinerate items at Waste-to-Energy Incinerators. The exemption for air emissions testing using the small portable incinerators (see 1g above) does not extend to law enforcement to burn prescription drugs. Secretary Hazel indicated that issues which may have federal implications should not be ignored.

Treatment Workgroup Presentation

Jennifer S. Lee, MD, Deputy Secretary, Office of the Secretary of Health & Human Resources

Mellie Randall, Director, Office of Substance Abuse Services, Virginia Department of Behavioral Health and Developmental Services

(Handout provided – the numbers used below refer back to the handout; see the Task Force website at www.dhp.virginia.gov/taskforce for the handout.)

Dr. Lee and Ms. Randall discussed the previously accepted recommendations and provided additional recommendations. Of note:

#1 – Provide Education – the workgroup presented a consensus statement from the National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) on “The Use of Medications in Treatment of Substance Abuse Disorders” to be endorsed by the Task Force. Secretary Hazel opened the floor for discussion. Since the members did not have the full statement in front of them and wanted additional time to review it, it was decided to put this item on the agenda for the next Task Force meeting.

#2 – Treatment with Buprenorphine – Buprenorphine is the generic for Suboxone. Secretary Hazel inquired of Dr. Brown what this proposal would mean for the Department of Health Professions (DHP). Dr. Brown indicated that he was not sure if DHP could have something done by the last Task Force meeting as a workgroup would be needed. Since the proposal was doable, Secretary Hazel put the item to a vote and was passed.

#3a) – Compliance with Federal Mental Health Parity Act; appeal of coverage denial – Secretary Hazel recommended that the Education Workgroup take up this item and that a definition of “parity” be provided to the Task Force.

#3c) – Compliance with Federal Mental Health Parity Act; coverage for state employees – information from the Employee Assistance Program (EAP) is not very good. The workgroup will be doing additional research on this item.

#4 – Medicaid Reimbursement – Secretary Hazel had no objection to the workgroup seeking additional information from the Department of Medical Assistance Services (DMAS).

Enforcement Workgroup Presentation

James A. Cervera, Chief of Police, Virginia Beach Police Department

(Handout provided – the numbers used below refer back to the handout; see the Task Force website at www.dhp.virginia.gov/taskforce for the handout.)

Chief Cervera reviewed the workgroup’s previously accepted recommendations and provided updates. The workgroup will be looking into a better system for disposal of unwanted drugs at its next meeting. The workgroup made referrals to the Treatment and Education workgroups.

1 & 2) – Treatment Workgroup – it would be more cost-effective to divert people from incarceration to the mental health system for treatment.

3) – Education Workgroup – every part of the community needs to be involved. Secretary Hazel inquired as to whether the group had given thought to how a multi-disciplinary approach would be done. Chief Cervera indicated that a CIT (Crisis Intervention Training) approach would be used and that a separate group may be needed to address this issue.

Education Workgroup Presentation

Sarah Tollison Melton, PharmD, Chair, One Care of Southwest Virginia

(Handout provided – the numbers used below refer back to the handout; see the Task Force website at www.dhp.virginia.gov/taskforce for the handout.)

Dr. Melton provided updates to the workgroup's previously accepted recommendations:

#1a) – Funding and Development of Website – funding for development will be provided by the Virginia Board of Medicine. Quotes have been obtained from vendors. Content would be provided by the Task Force and workgroups. Dr. Brown indicated that the hosting of the website will probably be by a third party and that responsibility for keeping the website up to date will be discussed by the workgroup.

#2 – Letters and Op-Ed Pieces – the Prescriber letter sent January 30, 2015 was written by DHP and signed by Secretary Hazel. Another letter focusing on the urgency of the overdose epidemic will go out sometime in the next two (2) months. Secretary Hazel indicated that the responses to the January 30th letter have been amazing (a sample of the responses were shared with the Task Force members but will not be made available as personal information was included). Meetings with School Superintendents and Office of the Secretary of Education are being scheduled.

#3 – Letter to Healthcare School Leaders – a provider education advisory group will present at the next workgroup meeting. A letter will be developed following that meeting. Secretary Hazel noted that there may be funding to do a regional meeting in Southwest Virginia to include Tennessee and Kentucky possibly in September.

#4 – Opioid Educational Curriculum – the Department of Criminal Justice Services (DCJS) will take the lead in developing the curriculum. It will not be mandatory due to resources and availability of time. Chief Cervera noted that school principals and teachers also need training. Mr. Colter indicated that the Fairfax County program for high school parents and teachers may be a good resource.

New Business/Opportunities for Discussion

Jennifer S. Lee, MD, Deputy Secretary, Office of the Secretary of Health & Human Resources

Jodi Manz, MSW, Policy Advisor, Office of the Secretary of Health & Human Resources

(Handouts provided; see the Task Force website at www.dhp.virginia.gov/taskforce for the handouts.)

A handout was provided to show some of the items that other states are doing:

1. Mandate the use of tamper-resistant forms intended to prevent the use of fraudulent prescriptions – Dr. Forster commented that there is a special watermark on the paper, which prevents it from being copied. This item was referred to the Treatment workgroup.
2. Single phone number/call center for people seeking treatment – the New Jersey call center is funded privately by a pharmaceutical company; implementing this would be tricky if state run. This item was referred to the Treatment workgroup.
3. PSAs – these were funded in a variety of ways including private and state funds. Mr. Flattery would like to see these included on the website. This item was referred to the Education workgroup.
4. Facilitate access to and use of chronic pain centers – James Ray of the UVA Health System indicated that UVA has such a center. This item was referred to the Treatment and Education workgroups.
5. Set prescribing or dispensing limits for controlled substances – Dr. Forster agrees with this and mentioned that it has been discussed in the Data/Monitoring workgroup. This item was referred to the Treatment workgroup.

Dr. Brown provided a handout with information from a recent study entitled “The Prescription Opioid and Heroin Crisis: A Public Health Approach to an Epidemic of Addiction.” The charts show that the problem starts with prescriptions and puts into focus the need for treatment. This item was referred to the Education workgroup.

Ms. Parr asked to speak concerning the State Child Fatality Review Team. Her group asks that the Task Force also look at juveniles.

Ms. Randall provided that there are a lot of constituencies who need to learn more about prescription drug and heroin abuse. A big conference in the fall open to a broad audience was suggested. Funding was discussed, and Delegate Herring suggested that working with the Office of the Attorney General may be a possibility for funding. Mr. Flattery and Dr. Forster indicated that pharmaceutical companies should not be invited because of possible conflicts.

Public Comment

Nancy Finch, a member of the Treatment workgroup, expressed concern that all groups, including the Office of the Attorney General, the Governor, and the Task Force need to work together due to the size of this issue.

Next Meeting

The next meeting of the Task Force will be held on Tuesday, April 14, 2015 at 1:00 p.m.

Closing Remarks

William Hazel Jr., MD, Secretary of Health and Human Resources

Secretary Hazel expressed his appreciation for the work of the Task Force and Workgroups, especially in regards to the bills that passed the General Assembly.

Adjourn

With no further business to discuss, Secretary Hazel adjourned the meeting at 3:55 p.m.