MARYLAND ADVISORY BOARD ON PRESCRIPTION DRUG MONITORING (PDMP)
Public Health Services
55 Wade Ave., Catonsville, MD 21228
Vocational Rehabilitation Bldg.
August 22, 2019
4:00PM to 6:00 PM

Attendees

Advisory Board

Richard DeBenedetto, PharmD, MS, AAHIVP, **Acting Chair**
Amit Bhargava, MD, MS, RMSK
Thomas Bond III
Marcus Jones
Stephen A. Nichols, MD, FAAP, FAAMR
Bonnie Oettinger, RN, MGA
Larry Polsky, MD, MPH, FACOG
Joseph Scalese III, RPh
Amar Setty, MD
David Sharp, PhD, FACHE, FFSMB
Diana Shorter, DNP
Michael Vaughn

Board Adjunct: Linda Bethman, JD, MA, Office of the Attorney General, MDH

Advisory Board Not Present

Daniel M. Ashby, MS, FASHP
Lenna Israbian-Jamgochian, PharmD, RPh
Authur C. Jee, DMD
Chris Jillson, MD
Brian Marascalchi, MD
Mark Olszyk, MD, MBA, CPE, FACEP, FACHE, FFSMB
Orlee Panitch, MD
Derek Peck
Yvonne Umezurike, DMP

Public Health Services Staff

Tryphena Barnes
Anna Gribble, MPH, MSW
Kate Jackson, MPH
Katherine Johnson, MHA
Sara Roberson, MSW

CRISP Staff

Rhonda Moody
Lindsey Ferris, DrPH

Public Attendees

Joseph Adams
Milannie Bushrod
Victoria Fretwell
Kris Howard
Raii Malinowski

Minutes

I. Roll Call, Agenda Review and Approval of Minutes

Kate Jackson, PDMP Director, opened today's meeting with roll call and reviewed the topics of discussion on the agenda. Minutes have been circulated for review; please send edits to Kate by close of business on Tuesday, August 29, 2019.

II. Office of Provider Engagement and Regulation Leadership Update

Kate Jackson is the new Director of the Office of Provider Engagement and Regulation (OPER). The Office of Controlled Substance Administration (OCSA) and the Office of the Prescription Drug Monitoring Program (PDMP) merged under Public Health Services to form OPER. Kate is excited about the process of creating a strategic plan for OPER and will continue to bring relevant updates to the Board regarding OPER.

Anna Gribble has previously worked with the Board behind the scenes and moving forward her role is expanding.

Announcement: Kate will contact all Board members who have terms that are expiring via email and provide information on applying for reappointment.

III. PDMP Vendor Migration Success

Sara Roberson provided an update on PDMP vendor migration. The Maryland PDMP has successfully migrated from Appriss' RxSentry to NIC's RxGov. Impacted by this migration are Data submitters, Investigative Users, and Program administrative staff. Clinical users are not impacted.

NIC is addressing data submission issues. Until issues are resolved, dispensers are able to upload data manually. Dispenser Compliance reporting tools are being developed in RxGov as a Data Submitter Dashboard to assist the Program administrative staff.

Fifty-four Investigative Users have been credentialed in RxGov and have viewed a new PDMP-RxGov training webinar on submitting requests and accessing prescription monitoring data through the new program. OPER is implementing various outreach efforts targeting dispensers. Kate Jackson and Katherine Johnson (the PDMP Data Quality Specialist) attended a Licensing Board Executive Directors meeting on August 5, 2019 to present on the vendor migration, answer questions, and ask the Boards for support in educating providers.

Comments/Questions on presentation:
Question: How many dispensers are not submitting reports?
Answer: About 1,500 dispensers are reporting, and NIC is developing a Data Submitter Dashboard to assist with identifying dispensers who are not compliant.

Question: Does OPER have the authority to audit receipts of opioid shipments to dispensers?
Answer: If the Program suspects dispenses are not reporting, the Program can collaborate with OCSA to conduct an investigation. There is an escalation plan in place that includes referral to the Board. The Program does have authority in statute to fine dispensers who are not compliant with the requirement to report to the PDMP.

Question: How do we collaborate with Boards who are conducting inspections to check if dispensers are uploading Controlled Dangerous Substances (CDS) dispenses to the PDMP?
Answer: The Program will develop procedures with input from relevant Health Licensing Boards.

IV. 2019 PDMP Annual Advisory Board Report

Kate Jackson previewed the structure of the *2019 PDMP Annual Advisory Board Report*. Every year the Program is required to submit a report to the General Assembly and the Governor. The contents of the report are statutorily defined in Section 21-2A-05 (f) (3) of the Health-General Article. The Program is actively preparing the draft for this year's Annual Report which will be circulated to the Board. All Board members received a copy of last year's report for review. The Program will update data in the tables and add additional metrics regarding the Technical Advisory Committee (TAC) based on the Sunset Evaluation recommendations.

V. Regulatory Updates Based on Chapter 364 and Chapter 531

Kate Jackson and Anna Gribble, along with the Board's legal counsel, Linda Bethman, reviewed Chapters 364 and 531 to identify needed regulatory to implement the Chapters. Regulatory revisions have been drafted for the Advisory Board's review, input, and approval.
Chapter 364 overview of changes:

- Removes quorum requirement for health licensing boards to submit an administrative subpoena
- Removes special carve-out language for Board of Physicians
- Adds Office of the Attorney General to investigative entities
- Expands interstate data sharing
- Removes OCME from Department investigative request entities
- Adds OCME to larger list of entities who have access to PDMP data
- Allows medical directors of health care facilities access to PDMP data

Chapter 531 overview of changes:

- Updates definition of OCSA to the Office
- Requires (instead of allows) the Program to review data for possible misuse/abuse, breach of professional standards, and violations of law and takes into account circumstances of prescriber and dispenser
- Requires the Program to provide education to providers when misuse/abuse, breach of professional standards, or violations of law are identified
- Allows data sharing with OCSA, with conditions
- Allows TAC to advise on methods of data review

The drafted regulations were sent to stakeholders who will be impacted by the changes for review. The following stakeholders reviewed the changes:

- Health Licensing Boards
  - Board of Podiatry (approve, no concerns)
  - Board of Physicians (approve, no concerns)
  - Board of Nursing (approve, no concerns)
  - Board of Dentistry (approve, no concerns)
- CRISP (provided feedback)
- OCSA (provided feedback)
- OCME (awaiting feedback)
- OAG (awaiting feedback)

Anna Gribble presented the regulatory changes and solicited input from the Board.

Questions on Presentation:
Question-How is Program sharing data across states?
Answer- Maryland currently uses a data-sharing hub, PMPi, and is expanding to a second data-sharing hub, RxCheck. Maryland will connect directly from a hub to a pharmacy software system or a hospital's electronic health record (EHR). Only credentialed providers who are registered with the PDMP are able to access data.

Question- Does the state have the authority to find out if a provider has actually checked the PDMP?
Answer- Any third party vendor or other integration solution is required to have the technical capacity to provide the Program an audit log of their users' activity.

Question- Can Chief Medical Examiner in another state request Maryland PDMP data?
Answer- No

A Memorandum of Understanding (MOU) will be required for all facilities that will have access to PDMP data.

The draft regulations were approved by a unanimous vote.

VI. Public Comment Session

None

Meeting Adjourned