



**MARYLAND ADVISORY BOARD ON  
PRESCRIPTION DRUG MONITORING (PDMP)  
Public Health Services  
55 Wade Ave. Catonsville, MD 21228  
Dental Board Bldg.  
February 25, 2020  
4:00PM to 6:00 PM**



**Attendees**

**Advisory Board**

Richard DeBenedetto, PharmD, MS,  
AAHIVP, **Chair**  
Daniel M. Ashby, MS, FASHP  
Deondra Asike, MD  
Amit Bhargava, MD, MS, RMSK  
Thomas Bond III  
Matthew Crisafulli  
Lenna Israbian-Jamgochian, PharmD, RPh  
Bonnie Oettinger, RN, MGA

Marcia Parris, MD  
Derek Peck  
Larry Polsky, MD, MPH, FACOG  
Joseph Scalese III, RPh  
David Sharp, PhD, FACHE, FFSMB  
Alexandar Shekhdar, JD, MHS  
Diana Shorter, DNP  
Yvonne Umezurike, DMP

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

**Advisory Board Not Present**

Bryan Marascalchi, MD  
Authur C. Jee, DMD  
Stephen A. Nichols, MD, FAAP, FAAMR  
Mark Olszyk, MD, MBA, CPE, FACEP,  
FACHE, FFSMB

Mark Olszyk, MD, MBA, CPE, FACEP,  
FACHE, FFSMB  
Orlee Panitch, MD  
Alexander Shekhdar, JD, MHS  
Michael Vaughn

**Public Health Services Staff**

Tryphena Barnes  
Lindsey Goddard, MPH  
Anna Gribble, MPH, MSW  
  
Kate Jackson, MPH

Katherine Johnson, MHA  
Vijay Murthy, MPH  
Sara Roberson, MSW

**CRISP Staff**

Rhonda Moody  
Lindsey Ferris, DrPH

**Public Attendees**

Megan Wilk, Shenandoah University School of Pharmacy

## Minutes

### I. Roll Call and Agenda Review

Dr. Richard DeBenedetto opened the meeting with roll call and review of the agenda. The PDMP Advisory Board welcomed new Board members, Dr. Marica Parris, Comprehensive Women's Health-Advantia, Dr. Deondra Asike, John Hopkins Hospital, and Sheriff Matthew Crisafulli, Worcester County Sheriff's Department.

### II. Announcements:

Attendance Policy - A new attendance policy from the Secretary of the Department of Health is now in effect regarding Board attendance. Appointees are required to attend at least 50% of Board meetings. The Office of Provider Engagement and Regulation (OPER) submits an annual report to the Secretary regarding compliance with Board attendance. If appointees do not meet the requirement, a waiver may be submitted with the report in support of attendance findings. If Board members have any questions concerning attendance or would like to dispute any attendance record report, Anna Gribble will be happy to address any questions or concerns. Board attendance includes attending the meeting via the phone or in-person; however, in-person attendance is highly encouraged. All upcoming Board meeting dates can be found on the PDMP website under the Advisory Board tab. If a Board member calls in to the meeting after roll call, please send an email to Anna, to ensure attendance is recorded.

Financial disclosures - Please complete your financial disclosures via the State Ethics Commission website. They are due by April 30, 2020. The link to the State Ethics Commission website is <https://ethics.maryland.gov/boards-commissions/>.

Letter to Prescribers - An educational and informational letter and email will be sent to Controlled Dangerous Substances (CDS) prescribers in Maryland. The Provider Letter:

- Formally introduces OPER
- Provides information on a new opioid tapering resource from Health and Human Services (HHS)
- Provides information on new co-prescribing naloxone regulations
- Reiterates PDMP data reporting requirements for dispensing prescribers, reminds them of daily reporting, and provides a summary of the Maryland Opioid Academic Detailing Project

Morphine Milligram Equivalents (MME) - MME is now available in the PDMP through CRISP's Unified Landing Page (ULP). Eventually, MME alerts will be displayed in the PDMP. An MME Fact Sheet is now available on the PDMP Website: [https://bha.health.maryland.gov/pdmp/Documents/MME%20Fact%20Sheet\\_2.24.2020.pdf](https://bha.health.maryland.gov/pdmp/Documents/MME%20Fact%20Sheet_2.24.2020.pdf)

### III. Legislation Update

Anna presented on 2020 legislative bill updates for HB0663, SB0710, HB1486/SB0752, and HB0512/HB0692/SB0166.

**HB0663-** Title: Prescription Drug Monitoring Program – Out-of-State Pharmacists and Discipline for Noncompliance.

- HB0663 is a Departmental bill that authorizes Maryland Health Licensing Boards corresponding disciplinary ground for enforcement purposes within the Health Occupations article in alignment with the intent of the PDMP use mandate requirement, Health-General Article §21-2a-09(b)(3)
- Allows pharmacists licensed in other states working at mail-order pharmacies dispensing to Maryland addresses and pharmacists working at federal facilities in Maryland but licensed in another state access to the Maryland PDMP when making dispensing decisions in the care of Maryland patients.

**SB0710-** Title: Health General - Prescription Drug Monitoring Program County Health Officer  
This Bill allows the Local Health Departments (LHDs) or Local Health Officers access to prescription monitoring data for the purposes of evaluating the distribution or abuse of a monitored prescription drug. The PDMP anticipates that this Bill will be amended.

**HB1486/SB0752-** Title: Public Health -Non-Controlled Substance Prescription Record System Program

- Creates a non-CDS prescription record system
- Individuals and entities required to report non-CDS defined by PDMP ‘Dispenser’ definition
- PDMP could have representation on a new advisory group formed under this bill

**HB0512/HB0692/SB0166-** Title: Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances. HB0692 is a Departmental bill,

- In preparation for CMS requirement on Medicare Part D providers
- Requires certain health care practitioners to prescribe CDS electronically
- Includes exemptions and waivers for dispensers,
- The waiver process would be administered by MDH

#### **Question on HB1486/SB0752**

Will this affect the PDMP Advisory Board? The new Advisory Board would determine how to collect and display non-CDS dispenses.

A system to collect and display non-CDS dispenses would accompany, not replace the PDMP. Physicians would have access to a patient’s complete prescription history, not just CDS medications.

#### **Question on HB0512/HB0692/SB0166**

What percentage of prescribers already have the technology to electronically prescribe CDS?

Not sure, according to an industry representative from one of the vendors, a high number of prescribers already have the technology. On the pharmacy side, most pharmacies have the ability to receive electronic prescriptions but it is a question of smaller practitioners who may not have that capacity in their electronic health records or have other technology to support electronic prescribing; this was part of the intent of the waivers.

Anna Gribble will send out status emails on the 2020 Legislative Session bills to the Board. Assistant Attorney General, Linda Bethman suggested the Board pay attention to the key at the bottom of each bill that explains changes to legislation.

#### **IV. 2019 Annual Report Recommendations Discussion**

Anna Gribble presented on the recommendations in the 2019 PDMP Annual Report and thanked Board members for their recommendations. For 2020, the PDMP would like to revisit the recommendations and ask the Board to prioritize them and provide any additional guidance. The recommendations include:

- Increase in adoption of PDMP use by clinical users through expanding interstate data sharing to other priority states and improving the clinical user interface
- Conduct an analysis investigating the possible impact of the PDMP on access to and utilization of substance use disorder treatment services
- Assess national trends in incorporating veterinarian CDS dispensing data into state PDMPs and whether there is a use case for providing veterinarians access to PDMP data
- Focus on ensuring system performance on all ends, including integrating PDMP data into hospital and ambulatory providers' EHRs and other electronic provider tools such as alerts and summaries of a prescribers' prescribing practices
- Expanding PDMP specific clinical resources available to pharmacists through CRISP

The Board suggested pharmacists should have access to clinical data in CRISP.

Lindsey Ferris, from CRISP, stated that pharmacists under certain circumstances have access to clinical data through CRISP. Lindsey suggested the Board identify in future meetings the kind of information the Board believes pharmacists should be able to access.

Kate Jackson, OPER Director, suggested CRISP attend the next Board meeting and present on the topic of pharmacist access to clinical data.

#### **V. Interstate Data Sharing Update**

Sara Roberson presented on Interstate Data Sharing.

- The Maryland PDMP shares dispense data with other states through two data-sharing hubs, the Prescription Monitoring Program InterConnect (PMPi) and RxCheck.
- Interstate data is only shared with clinical users who are credentialed in other states, not investigative users.
- Incoming requests from other states' PDMPs go through a data-sharing hub to RxGov; outgoing requests from the Maryland PDMP go through the CRISP Unified Landing Page (ULP) or the CRISP SMART on FHIR portal in a credentialed user's EHR to a data-sharing hub to other states' PDMPs.
- Expansion began in the fall of 2019, thanks to CRISP and NIC.
- Currently, Maryland is sharing PDMP data with 15 states.

- The Military Health System (MHS) shares PDMP data with Maryland but Maryland does not yet share data with MHS. Sharing with MHS is pending the promulgation of regulations.
- As of today, CRISP launched a state picklist that includes non-bordering states with whom we share data. In order to determine the priority of new states to onboard, Vijay Murthy, PDMP Epidemiologist, ran an analysis of all the out-of-state residential addresses in our PDMP.

## **VI. Review of Public Comments from Regulations**

Anna Gribble presented on proposed regulations including a timeline of events and a review of the changes. The timeline includes:

- Chapter 531 and Chapter 364 passed during the 2019 Legislative Session
- PDMP Advisory Board reviewed, provided input, and approved proposed regulatory changes in response to Chapter 531 and Chapter 364 during Advisory Board meetings held August 21, 2019 and October 3, 2019
- Proposed regulatory changes were posted on state Register to solicit public comments from January 17, 2020 – February 18, 2020
- OPER received one comment

### **Chapter 364 and overview of changes**

- Removes quorum requirement for health licensing boards to submit an administrative subpoena
- Adds Office of the Attorney General to investigative entities
- Expands interstate data sharing
- Adjusts OCME's data access use case (removes from investigative entities and aligns with their statutory scope of practice)
- Allows medical directors of health care facilities access to PDMP data to facilitate integrations with electronic health record systems

### **Chapter 531 and overview of changes**

- Updates definition of the Office of Controlled Substances Administration (OCSA) to the Office and changes throughout
- Requires (instead of allows) the program to review data for possible: misuse/abuse, breach of professional standards, and violations of law and take 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

### **Regulatory comment:**

The Maryland Board of Podiatric Examiners submitted a comment on the proposed regulations. The Board expressed concern with Maryland prescription monitoring data being shared with new entities and new requirements on Maryland providers that results from the proposed regulatory changes.

Dr. Yvonne Umezurike, stated that the Maryland Board of Podiatric Examiners have a few issues with the proposed regulations.

- The Medical Director access to PDMP data- what would they do with the data?
- Adding the Office of Attorney General to investigative entities- the concern is that the statute allows access to more investigative users and this causes providers to feel more restricted as to what they do.
- Requiring PDMP instead of allowing PDMP to review data- seems to be a fishing attempt.

**Response to comment-** Dr. DeBenedetto stated that the PDMP is under direction of the General Assembly as established in Chapter 531 and Chapter 364. The regulations are a response to the passing of both Chapter 531 and Chapter 364. A response has been drafted to the Board of Podiatric Medical Examiners and was provided to the Advisory Board for review.

Question: When the letters come out, who are they from and who signs the letters?

Response: Letters will be signed by Kate or someone from the Department.

Dr. DeBenedetto called for a vote on the response and the Board approved final adoption of response.

There was a call for approval of the Regulations, and the Motion passed for Regulation changes.

## **VII. Public Comments**

None

**Meeting Adjourned**