

**Drug Policy Advisory Council (DPAC)
Meeting Minutes
August 5, 2010; 10 AM to 3 PM
The Capitol Building; Conference Room 2103**

Members in Attendance:	Members not in attendance	Designee Attending Meeting for Member	Others in Attendance:
Bruce Grant	Frank Peterman	Gayla Sumner	Andy Benard
Judge Melanie May	William McCollum	Bill Stewart	Lora Brown
Mark Fontaine	Walter McNeil	Pam Denmark	Claude Shipley
Gail Honea	Mike Hansen	No attendee	Matt Dunagan
Dr. Viamonte Ros	Gerald Bailey	Jeff Beasley	Renee Bruer
Kevin Lewis	MG Burnett	Major Mike Powers	Senta Goudy
Neal McGarry	Eric Smith	Brooks Rumenik	Kim Riley
COL Czernis	George Sheldon		Stephania Wilson
Gayla Sumner	Senator Aronberg	Abby Ross (non-voting)	Jeff Cece
Rep. Thompson	Kimberly K. Spence	Diane Prest (non-voting)	
	Ray Ferrero		
	Derya Williams		
	Nancy Hamilton		
	Elder Bobby Roberts		

Note*: Numbered items correspond to order in which presentations were conducted.

Welcome and Opening remarks by Director Grant, Office of Drug Control

Bruce Grant, Director, Office of Drug Control

- Announcements
 - Prevention Conference: September 29th to October 1st
 - Florida Alcohol and Drug Abuse Association (FADAA) and the Florida Council for Community Mental Health (FCCMH) Conference: August 11-13
 - Input welcome on other conferences
- Sunshine State Laws; recorded
- Minutes from May 27, 2010 meeting
 - Motion to approve by Bill Stewart
 - Seconded by COL Czernis
 - All in favor: motion carried
- Schedule of Meetings
 - Recommended meetings for CY 2010
 - November 4, 2010 (Thursday)

Note: 1st Quarter 2010 meeting was cancelled due to Special Legislative Session and travel budget restrictions

- 1) Presentation by Jeff Beasley, Florida Department of Law Enforcement
 - Statewide Intelligence Briefing: Discussion on the following items:
 - i. Meth---2nd quarter update on meth lab seizures which appear on track to be even more that 2009.
 - ii. Marijuana: Out-door seizures are decreasing while the indoor seizures of in-door have increase.
 - iii. Legislature of importance to FDLE:
 1. Statewide Methamphetamine Precursor Monitoring System
 2. Synthetic Marijuana—Spice/K2

- 2) Presentation by Mark Fontaine, Florida Alcohol and Drug Abuse Association (FADAA)
 - Health Care Reform
 - i. SAMH parity law: Wellstone-Domenici Act
 1. Applies to health plans that begin on or after July 1, 2010.
 2. Applies to plans for employers with 50 or more employees, which offer SA or MH coverage (virtually all do now.)
 3. Applies to Florida Medicaid HMOs and to Healthy Kids.
 4. Will apply to all new plans under health care reform in 2014.
 5. Issues Requiring Clarification
 - a. Covered Diagnoses
 - b. Covered Providers (public agencies?)
 - c. Covered Services
 - d. Treatment staff qualifications (will insurers required all to be licensed?)
 - e. “Community standards” of care
 - ii. Patient Protection and Affordable Care Act
 1. Requires most citizens to have health insurance.
 2. Creates state based Exchanges where individuals and small businesses can purchase health insurance.
 3. Provides federal premium and cost-sharing credits for families 133% - 400% poverty level income.
 4. Expands Medicaid to all earning 133% poverty income or less, including childless adults.
 5. Imposes significant new requirements on insurers (cost, access and accountability); no pre-existing conditions.
 6. Proposes payment reforms which require providers to work together to achieve positive outcomes.

7. Defines “essential benefits” which all plans must cover, including SAMH treatment.
8. Issues to address
 - a. Revision of state statutes to implement parity and to add SA to Medicaid capitated plans.
 - b. Need to educate consumers and families about increased SAMH benefits.
 - c. Critical need for provider training and infrastructure development (insurance contracting, billing)
 - d. Workforce issue: licensed staff, aging workforce
 - e. How will private sector handle chronic illness?
9. State Role in Implementation
 - a. The Agency for Health Care Administration will implement Medicaid expansion and regulate Insurance Exchanges where individuals and small businesses purchase new plans beginning 2014.
 - b. - Maintain call center for customer service.
 - c. - Establish procedures for enrolling individuals and businesses, and determining eligibility for tax credits.
 - d. - Develop single application form for all state subsidized health programs and offer online, by mail, by phone, in person.
 - e. The Florida Office of Insurance Regulation will monitor coverage under parity.

- 3) Presentation by Rene Bruer, The Florida PDMP Foundation, Inc
 - Foundation’s mission of fund-raising for the Prescription Drug Monitoring Program (PMDP)
 - i. Discussed status of the Foundation and its mission
 - ii. Discussed the fund-raising to date and its ability to make the requirements to fund the Department of Health
- 4) Presentation by Jeff Cece, Office of Drug Control
 - Update on Prescription Drug-Related Deaths
 - i. Examinations, investigations, and autopsies are required when any person dies in the state
 1. Of criminal violence
 2. By accident
 3. By suicide
 4. Suddenly, in apparent good health
 5. Unattended by a physician
 6. By poison
 7. In any suspicious or unusual circumstance
 - ii. The Scope of the ME Report
 1. There are approximately 170,000 deaths in Florida each year.

2. Forensic autopsies are performed on only about 10% of these deaths.
 3. About half of all forensic autopsies yield positive toxicology tests for one of the drugs tracked in the ME Report.
 - iii. Core Data Elements of the Medical Examiners' Report
 1. Medical examiners distinguish between two types of drug occurrences:
 2. "Present"
 3. "Cause"
 4. Medical examiners place a "P" next to all drugs that are merely "present" (or detectable or identifiable) in the decedent.
 5. Medical examiners place a "C" next to all drugs that are determined to be a "cause" of death.
 - iv. In 2009, when alcohol is excluded...
 1. Prescription drugs...
 2. Benzodiazepines
 3. All opioids except heroin
 4. Carisoprodol / meprobamate and Zolpidem
 5. ...accounted for 79% of all drug occurrences in the ME Report.
- 5) Discussion points for legislation only; not proposed legislation Presented by the Office of Drug Control
- i. Money Laundering and Seaport Security discussed by Director Grant: Explained that the Office of Drug Control will re-introduce the Money Laundering bill from last Session and is looking at what needs to be done with Seaport Security.
 1. Money Laundering
 - a. Overview of Legislation
 - b. Defines "prosecuting authority" in the Florida Racketeer Influenced and Corrupt Organization (RICO) Act, to mean the Attorney General, any state attorney, or the statewide prosecutor.
 - c. Defines "proceeds" to include gross receipts from a criminal enterprise.
 - d. Creates a criminal forfeiture provision in the RICO statute that will allow the forfeiture proceeding to be tried at the same time as the criminal case.
 - e. Removes requirement that violations must occur over a 12 month period. Will allow prosecutors to make charging decisions based on a longer or shorter period of criminal conduct.
 - ii. Overview of Seaport Security
 1. State Legislation: Florida Statute 311.12 Seaport Security Standards passed 2000.
 2. Federal Legislation: Maritime Transportation Security Act (MTSA) passed 2002.

3. Florida's seaports are better prepared to deter, detect, delay and deny both criminal and terrorist threats because of FS 311.12.
 4. Office of Drug Control is moving forward
 - a. Seaport Security Standards Advisory Committee (SSSAC) may study and propose improvements to modernize FS 311.12 security standards
 - b. ODC analysis will also be conducted to see how both standards can be aligned to create a secure operating environment for commerce.
- 6) Alcohol and Prescription Drug Prevention—Senta Goudy
- i. Prescription Drug Abuse
 1. Average of seven deaths a day (2009 Medical Examiner's Report)
 2. Treatment admissions for primary abuse of "other opiates" (other than heroin) was 2.1% in 1998. In 2008, this figure rose to 10.7% (TEDS 2009)
 3. Drug related crashes up 10.5 % (FDHMVS, 2009 statistics)
 4. Drug related injuries up 19.3 % (FDHMVS, 2009 statistics)
 5. Newborns experiencing drug withdrawal symptoms (not including alcohol): 2005 258; 2006 347; 2007 472; 2008 648: 151% increase from 2005 – 2008 (AHCA 2009 Funding for prevention campaign)
 6. Campaign Objectives:
 - a. Increase number of communities using local ordinances to create moratoriums, on pain clinics, limit density and/or their proximity to schools/churches/senior centers.
 - b. Increase number of community stakeholders (youth, parents, older adults, physician's law enforcement, teachers, business leaders) engaged with prescription drug prevention efforts (town hall meetings, drug take back programs, and advocacy).
 - c. Increase perception of harm from misuse of prescription drugs among youth, parents and older adults.
 - d. Increase perception of being caught for misuse of prescription drugs.
 - e. Increase access to care and treatment statistics)
 - ii. Legislative Considerations
 1. Mandated Seller Server Training
 2. Increased penalties, and education, for house parties
 - iii. Other policy issues for discussion
 1. High Visibility Enforcement
 2. Role of Health
 3. Role of Education (K-12 and Higher Ed)
 - iv. Drug Take Back Program
 1. Date of Event: August 21, 2010

2. Place of Event: 36 sites across Florida including one in Tallahassee which will be the kickoff site
 3. Organizing Partners
 4. Florida Office of Drug Control
 5. National Association of Drug Diversion Investigators
 6. Other Partners
 7. Walgreens is providing advertising, parking lot locations and 15 percent off gift coupons for the first 400 to bring back drugs to each event site
 8. Informed Families of Florida and the National Family Partnership's Lock Your Med educational campaign will ship 400 pieces of educational material and a parent's guides. They are also advertising the state's event and including logos of all partners on related materials.
 9. Local law enforcement, mostly Sheriff Departments, who by law must take possession of the drugs and dispose of them.
 10. Local community anti-drug coalitions who are providing volunteers to support law enforcement
- 7) Prescription Drug Abuse and Diversion—Claude Shipley
- i. The following items were discussed/updated
 1. PDMP/Anti-Pill Mill “Clean-up”
 2. Doctor Shoppers
 3. Colluding prescribing/dispensing practitioners
 4. Registration of dispensing practitioners
 5. 72 hour supply limit on dispensing physicians loophole in SB 2272
 6. Meet National All Schedules Prescription Electronic Reporting (NASPER) standards as needed
 7. 7 day reporting of dispensed controlled substances
 8. Interstate sharing of prescription history
 9. Lessons learned from PDMP database implementation
 10. Encourage practitioner use of database for patient standard of care
 - ii. Scheduling Drugs
 - iii. Drug Policy Advisory Council as a recognized group to recommend scheduling of drugs
 - iv. Require reporting of prescription drug overdoses to parents between the ages of 18 to 26. Determine costs and HIPPA
 - v. DOH is notified of all prescription drug overdoses, admitted for poisoning and DUI-drug; required to notify prescriber and dispenser. Determine method to fund DOH costs
 - vi. Changes to 400.9905 Definitions
 1. Definition of a clinic
 2. Definition of a portable equipment provider
 3. Ordinance-nuisance near pain management clinic/pharmacy
 4. Adulteration of drugs
 5. Strategic view with knowledge of opioids by all prescribing and dispensing practitioners

6. Examine “pain” as requirement for quality of care assessment
7. Pharmacies clearly aligned with “Pill Mills”
8. Funding PDMP database, ODC, Foundation and other PDMP statute authorizations

Note: The following hand-outs were provided

- Update on drugs identified in deceased persons
- Report comparing Florida laws with other states laws/policies for alcohol
- Actual proposed drugs for scheduling
- Mephedrone fact sheet
- Information from a law enforcement officer in the Panhandle

Final Discussion with Items of Interest to Council Members

Motion to close by State Representative Thompson

Seconded by Bill Stewart

All in favor: motion carried.

Meeting adjourned at 2:30 PM; next meeting is tentatively November 4, 2010