

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 10, 2014

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood(27), Vice Chairman Perry, Representative(s) Hancey, Henderson, Hixon, Malek, Morse, Romrell, Vander Woude, Rusche, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Elisha Figueroa, Office of Drug Policy; Mark Johnston and Tami Taylor, Board of Pharmacy; Ryan Fitzsimmons, IACP; Elizabeth Criner, ISDA

Chairman Wood(27) called the meeting to order at 9:00 a.m.

MOTION: **Vice Chairman Perry** made a motion to approve the minutes of the January 30, 2014, meeting. **Motion carried by voice vote.**

H 396: **Rep. Christy Perry** presented **H 396**, legislation to curb the growing abuse of prescription drugs. She described the Prescription Drug Abuse Workgroup and its reason for bringing forth this legislation. **H 396** requires all controlled substance providers, except veterinarians, enroll in the Prescription Monitoring Program (PMP). Changes include updates to the Bureau's definition, terminology, and the annual registration requirement.

Elisha Figueroa, Administrator, Office of Drug Policy, spoke about the 250% increase in drug-induced deaths and how they are higher than traffic-related deaths. Other states are achieving excellent results with required monitoring program registration.

Mark Johnston, Executive Director, Board of Pharmacy (BOP), described the BOP statute authority and the history of the PMP. The BOP sends reports to law enforcement, licensing boards, and Medicare insurance. He said because the data is used to track human use, veterinarians are exempted in **H 396**.

Mr. Johnston stated the PMP collates 2.8 million dispensed controlled substances into patient and prescriber profiles which are available to law enforcement, pharmacists, patients, other programs, and occasionally to insurance companies for a fraud claim. This information is live for prescribers and pharmacists; but, law enforcement and other users must complete an information request form.

Each month the Board sends a cover letter and a patient prescription history to each prescriber indicating patients with multiple prescribers. The number of patients reaching this threshold has decreased 33% in the last year, while the number of prescribers receiving the reports has increased from 65% to 82%.

A letter encouraging PMP enrollment and use was signed by several agencies, boards, associations, legislators, etc., and mailed to all prescribers. Since the mailing, the four month average of new online PMP users has increased 98.4% and the number of profiles generated has increased 87.5%. Of those receiving the reports, 62% are physicians, 18% are physician assistants, 9% are dentists, 10% are advanced practice nurses, and 1% are podiatrists and optometrists.

A new PMP system developed and hosted by the National Association of Boards of Pharmacy (NABP) is expected to go live on February 26, 2014. Since Idaho is a beta test site, there is no charge for this new system for three years. Future operating costs are expected to be less than the current system. Interstate data sharing will be available with some of our bordering states. PMP data submissions will increase to daily as the new system is implemented.

Rep. Lyndon Bateman, District 33, testified **in support of H 396**. He talked about his friend, with four children, who lost two sons from prescription drug overdoses within a seven year period. He emphasized the severity of this issue is huge when we are losing one in five high school students from drugs and this rate is higher than vehicle fatalities.

Responding to Committee questions, **Mr. Johnston** explained the original prescriber data base statutes included veterinarians, who also prescribe controlled substances. However, they usually dispense what they prescribe and their patients are animals. This makes the human information in the database of no use to them, so it was determined the best practice was to exempt them from access.

MOTION:

Rep. Morse made a motion to send **H 396** to the floor with a **DO PASS** recommendation.

Mr. Johnston answered additional questions, stating that mandatory registration allows the additional use of the data, which will also highlight any training that may be needed.

Idaho has one Controlled Substance Investigator who collaborates with most of the medical boards, law enforcement, Drug Enforcement Administration (DEA), and insurance companies. As of last month, the DEA opened an office in Boise for tactical diversion squads to address local prescription control substance issues. Although their emphasis is slightly different, they will supply federal backup.

Ms. Figueroa also answered the question, saying more DEA officers will be hired this year. Law enforcement has Drug Recognition Experts who are trained to recognize the signs of someone under the influence of a drug. Although currently in short supply, more experts can be trained.

Mr. Johnston explained the Health Insurance Portability and Accountability Act (HIPAA) specifically mentions the appropriate use of state-based prescription programs. Previous security breaches in other states have led to effective security upgrades. Inappropriate use of the PMP has been slight and carries a misdemeanor charge.

Currently sixteen states require mandatory PMP use, typically before prescribing for the first time and annually thereafter. **H 396** is the first step to increase usage. The existing \$60 a year controlled substance registration fee covers the PMP and more, with no additional fee in this legislation.

Molly Steckel, Idaho Medical Association (IMA), testified **in support of H 396**, stating that the IMA agrees that this is a multi-factor issue requiring all stakeholders. The IMA is reaching out to their members to make sure they see the importance, register, and use the PMP. Oncologists and other medical specialists need the freedom to prescribe heavy duty pain relief medications.

For the record, no one else indicated their desire to testify.

**VOTE ON
MOTION:**

Chairman Wood(27) called for a vote on the motion to send **H 396** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Perry** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting was adjourned at 9:43 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary