

**Draft Meeting Report  
Joint Meeting of the Boards of  
Medicine, Nursing, Osteopathic Medicine and Pharmacy**

**Ramada Inn  
2900 North Monroe St  
Tallahassee, FL 32303  
(850) 386-1027**

**February 29, 2008**

9:10 am Roll Call

**Board of Osteopathic Medicine Members Present:**

Ronald Burns, D.O.

Joel Rose, D.O.

**Board of Medicine Members Present:**

Gary Winchester, M.D.

**Board of Nursing Members Present:**

Patricia Dittman, PhD, RN, CDE

Vicky Stone-Gales, MSN, ARNP

**Board of Pharmacy Members Present:**

Amy Jones, J.D.

Jim Powers, RPh

**Others Present:**

Pamela King, Executive Director, Board of Osteopathic Medicine

Larry McPherson, J.D., Executive Director, Board of Medicine

Rick García, MS, RN, CCM, Executive Director, Board of Nursing

Rebecca Poston, RPh, CPh, Executive Director, Board of Pharmacy

Michael Flury, J.D., Board Counsel to the Board of Osteopathic Medicine

Ed Tellechea, J.D., Board Counsel to the Board of Medicine

Deborah Loucks, J.D., Board Counsel to the Board of Pharmacy

Crystal Sanford, CPM, Program Operations Administrator, Board of Medicine

Cheryl Graham, CPM, Administrative Assistant, Board of Medicine

Eulinda Jackson, Public Information Office

Rose Burney, Regulatory Specialist II, Board of Osteopathic Medicine

Ms. King opened the meeting by outlining the purpose of the meeting which was to gather data from interested parties that would assist the Boards in developing and/or supporting appropriate regulations in the area of drug diversion and pain management.

Mr. McPherson provided an historical background and discussed the last joint committee meeting, introduced recent publication, and outlined other materials gathered in preparation of the meeting, including the controlled substance prescribing authority matrix prepared by Executive Director Rebecca Poston. Mr. McPherson also discussed what the Boards have done in the area of drug diversion and pain management, including disciplinary actions, stabiling standards through rulemaking, and providing educational presentations. He also briefly introduced HB 1011 and SB 1550, two bills that propose a state-wide prescribing monitoring program (PMP).

Dr. Dittman gave the presentation, *Mountains to Climb: The Lived Experience of Chemically Dependent Nurses*. In her presentation, Dr. Dittman outlined the results of her research with chemically dependent nurses. She outlined her model for caring for nurses with professional impairment and summed up her presentation with recommendations for the Board Members to consider.

Jeff Beasley, Inspector for the Florida Department of Law Enforcement, provided a presentation regarding pharmaceutical drug abuse in Florida. He noted that illegal drugs are no longer the primary concern for law enforcement and advised that now prescription drug abuse is the primary concern. He outlined the issues involving prescription drug abuse and stressed that diversion occurs at any point that someone has legal access to controlled substances. Mr. Beasley stated that diversion occurs not only through health care practitioner diversion, but also with patient doctor shopping and through Internet pharmacies. He briefly pointed out the highlights of the 2007 Medical Examiners Interim Report including the types of controlled substances commonly diverted as well as the number of resulting deaths. He also talked about Drug Diversion Response Teams and their activities in Florida.

Adrian Langford with Alternative Medicine Integration of Florida, Inc. provided the presentation, *Integrative Pain Management, A Holistic Approach to Managing Chronic Pain*. Ms. Langford stressed pain management from a holistic approach as a means for managing chronic pain while lowering health care costs and improving patient outcomes.

Lisa Robins, Vice President of the Federation of State Medical Boards (FSMB), addressed the panel. She talked about the FSMB Model Guidelines for Use of Controlled Substances for Pain, the Model Policy for Use of Controlled Substances for Pain and their publication noted earlier by Mr. McPherson. She also talked about the costs for developing and initiating a prescription monitoring program and estimated the cost to be approximately \$350,000. She also talked about involvement with the Alliance of State Pain Initiatives.

Andy Benard with the Office of Drug Control addressed the panel and discussed issues involving drug diversion that results in overdoses and deaths, e-prescribing, and

electronic medical records (EMRs). He also talked about legislative involvement in passing legislation to aid in the tracking controlled substances. Mr. Benard also briefly discussed the success of a prescribing monitoring program already in place in the state of Kentucky. Mr. Benard noted that though all the years that all the various state PMP programs, not one breach of confidentiality has occurred.

The following interested parties addressed the panel:

1. Charles Gruden, M.D., Florida Academy of Pain Management  
Dr. Gruden indicated that the Florida Academy of Pain Management was greatly concerned with prescription drug diversion and that they supported the implementation of a prescription monitoring program.
2. Skip Bosworth  
Mr. Bosworth was representing himself as a pain management patient. He stated that his physicians are afraid to prescribe controlled substances to him for fear of getting into trouble with the Board of Medicine.
3. Gary Wenner, Operation PAR  
Mr. Wenner discussed the Disaster Preparation and Central Registry System which is a software program that allows the state to track patients in an emergency situation who receive controlled substances.
4. Rick Anderson, D.O.
5. James R. Piotrowski, PA-C  
Mr. Piotrowski discussed the successful implementation of a prescription monitoring program in Kentucky, Virginia and Tennessee.
6. Michael Jackson, Florida Pharmacy Association  
Mr. Jackson addressed the panel and advised the association supports the concepts of a prescription monitoring program. However, he expressed a concern on the part of pharmacists regarding costs to pharmacists in implementing a PMP.
7. Dr. Donna Gillette, Stress & Pain Management Clinic of Florida  
Dr. Gillette discussed the myths of prescribing pain medications and was presenting on behalf of those patients with chronic pain and the physicians who treat them.
8. Lora L. Brown, M.D., Florida Society of Interventional Pain Physicians  
Dr. Brown addressed the panel in support of a prescription monitoring program. She also stressed the importance of
  - i. education for the patients
  - ii. education for the physicians
  - iii. education for the public

iv. accountability

9. Louis Fisher, Controlled Substance Consultant

Mr. Fisher, a retired Drug Enforcement Agency representative, discussed the need for a prescription monitoring program and also stressed the importance of education.

10. Steven Ballinger, Esquire, Biotech Medical Software, Inc.

Mr. Ballinger discussed anti-diversionary measures and a software program recently developed that tracks and/or verifies controlled substance prescriptions using fingerprints. He explained that it was produced without state funding or governmental involvement and that the program is now being piloted in pharmacies in Broward County.

11. Dyana Martin, RN

Ms. Martin addressed the panel and described her personal experience with treatment for chronic pain. She explained that she was delayed in getting pain management treatment because of a delay in physicians being able to provide a diagnosis for her condition, which if required in the medical boards' pain management rules.

12. Richard Thacker, D.O., Florida Osteopathic Medicine Association and Florida Medical Association

Dr. Thacker expressed resistance to the expansion of the scope of practice for ARNP's to prescribe controlled substances and of being in favor of a prescription monitoring database. He also stated that Medicaid and some HMO's already have prescription monitoring programs in use.

13. Rick Zenuch, National Association of Drug Diversion Investigators

Mr. Zenuch stressed that drug diversion is more of a health care issue than that of a law enforcement issue; however, he stressed the need for cooperation between law enforcement and the medical community.

Due to time constraints, the following individuals, also present, were asked to send their written comments:

1. Steven Anthony, Medical Student
2. Gina Bryant, RSD Support Group
3. George Arcos, D.O.

Dr. Rose summarized the panel discussion and outlined the following as areas for continued discussion:

- education to patients as to where to receive appropriate health care and the risks involved with controlled substances
- education in schools regarding the dangers of abusing prescription drugs
- obtaining a grant from the FSMB to distribute their publication, *Responsible Opioid Prescribing*, to Florida licensees

- continue to work collaboratively to achieve goals
- educate physicians
- review Board rules
- legislation

Ms. Stone-Gale addressed the panel and stressed that ARNP's cannot currently prescribe controlled substances; however, she supports legislation that would allow them to do so. She was more concerned that medical assistants and other personnel in physician offices are calling in prescriptions for controlled substances to pharmacies. She stated that in her office setting patients are required to sign a controlled substances contract to better maintain control, accountability and reduce the opportunity for patient manipulation. Her other concern was of physicians portraying they are experts when they have received no formal training in pain management.

Mr. Powers stated the Board of Pharmacy supports HB 1011 and SB 1550. He said that the Boards need to continue to regulate the practitioners, but also suggested that parents should be educated on the abuse of prescription drugs. He also stated the Board of Pharmacy has a rule that provides guidelines for filling prescriptions for controlled substances.

Dr. Winchester focused on the point that patients have a right to pain medications. He stated that the Board of Medicine began establishing their rule on pain management in 1992. With regard to physicians holding themselves out as pain experts, he explained the Board of Medicine has an advertising rule that physicians cannot hold themselves out to be Board Certified in a particular discipline if they are not so certified. He also explained to the audience that the Boards are not investigators, but in fact take final action after the investigation is complete. He summed up by stating it is a difficult balance between patients who deserve pain medication and the issues we have with illegally obtaining controlled substances.

Dr. Dittman reminded the panel that these are safety issues for the patient as well as the health care practitioner.

Ms. Jones cautioned that in looking at Medical Examiner statistics of deaths involving prescription drugs the data also includes hospice patients (i.e. cancer patients who appropriately receive large doses of controlled substances for pain). She suggested that by including both legitimate patient deaths with potential prescription medication abuse might skew that data provided. She stated that the addition of a preamble to any PMP bill restating patient right to pain medication may alleviate some of the concerns. She also spoke about support from organized medicine and reminded the panel that PMP in the other states may not have the same restrictions that Florida has on the prescribing of controlled substances. She stated that we do not have enough outcome data to make projections on the effect a PMP may have on patient care.

Dr. Rose provided a summary of the member comments and asked if the members would support a motion to send a letter to Governor Crist in support of a PMP. The panel discussed being specific regarding what aspects of such a program the Boards will/will not support. A determination was made that the Board representatives would support a bill if it incorporates a preamble that would delineate that patients have the right to appropriate treatment for pain and implementation of a prescription monitoring program should in no way hinder such treatment. Dr. Rose suggested having buy-in with the societies as well.

A motion was made, seconded and carried unanimously to draft a letter to Governor Crist in support of the concept of a prescription monitoring program and to outline specific elements the Boards would support. Ms. King and Ms. Jones will work on the letter together, it will be presented to each Board for approval, and all Board Chairs will sign the final letter.

**Action taken:** draft letter to Governor Crist supporting concept of prescription monitoring program

Dr. Rose advised the Board of Osteopathic Medicine currently requires 2 hours continuing education in the prescribing of controlled substances for biennial renewal. He suggested that the other Boards may want to consider education for their licensees as well.

Mr. Powers stated the Board of Pharmacy has drafted a rule that provides guidelines for filling prescriptions for controlled substances, but would ask his Board to consider education in the area of prescribing controlled substances.

Dr. Dittman advised that since nurses could not currently prescribe controlled substances, education would need to address distribution, administration, access to the medications and the monitoring of patients for responses to the administration of a controlled substance. She stated that this type of education is included in ARNP training programs.

The panel went on to discuss the possibility of sending a letter to grade schools to recommend education to students and the parents regarding the dangers of abusing controlled substances. There was some discussion on how to approach this recommendation.

Dr. Dittman suggested education to medical students regarding access and diversion as a tool to education licensees.

The panel also suggested that each Board review their respective rules to see if changes and/or updates are needed.

Mr. Powers stated the Board of Pharmacy currently has rules regarding electronic prescribing and Internet pharmacies.

The panel then discussed the feasibility of obtaining a grant from the FSMB to distribute *Responsible Opioid Prescribing* to Florida licensees. Ms. Robins advised that the FSMB is currently working with the Boards to assist in distribution of the book. Ms. Robins stated the book costs about \$5.00 each to produce. She said it is currently available for download on their website. She suggested we include interns and residents in the distribution. She said the FSMB will write the grant proposals and will take care of mailing the book to our licensees as well. If a grant proposal is accepted, she suggested the Boards provide her with a letter from their respective Chairs to accompany the book in the mail out.

Ms. Stone-Gale asked if it was possible for pharmacies to track physicians who write a high volume of controlled substance prescriptions. She said once we had a list we could concentrate on education of these physicians. She was advised that this is not currently being done.

Ms. Jones reminded the panel that the current bills for prescription monitoring programs does not including tracking in that manner.

Ms. King pointed out that certain disciplines of medicine, by their own nature, will have a higher incidence of prescriptions and so that type of monitoring may not be helpful.

**Ms. King summarized the recommendation of the committee as the following:**

1. The consensus of the body was to support a prescription monitoring program that would not compromise appropriate pain management care.
2. The board representatives agreed that they would encourage their respective boards to require continuing education in appropriate prescribing and dispensing of controlled substances, appropriate treatment of pain management, and/or issues related to prescription drug diversion.
3. They also indicated joint support for letters to schools. These letters would focus on the positive long term impacts of additional baseline education in appropriate pain management care and prescribing of controlled substances.
4. The boards of Medicine and Osteopathic Medicine will join with the FSMB to distribute copies of the newly release publication “Responsible Opioid Prescribing – A Physician’s Guide” to all licensed physicians in Florida.

Ms. King thanked the members, staff, interested parties, presenters and the Executive Directors for their assistance in making the meeting a success.

The meeting adjourned at 12:35 p.m.