

TASK FORCE

PRESCRIPTION DRUG



**Mayor Teresa Jacobs
Prescription Drug Task Force**

**Presentation to
City of Orlando Commission**

November 14, 2011

Mayor Jacobs' Prescription Drug Task Force

- **Mayor Jacobs created the Prescription Drug Task Force in June**
 - **Comprehensive approach to address non-medical use of prescription drugs and the proliferation of pain management clinics through enforcement, healthcare and pharmacies, education, prevention and public policy**
- **Structure of the Task Force**
 - **Chaired by Former Mayor Richard Crotty and co-chaired by Dr. George Ralls, Orange County Medical Director**
 - **18 Member Task Force**
 - **Held Three Task Force Meetings**
 - **Established two subcommittees –Enforcement & Healthcare (met frequently)**

Mayor Jacobs' Prescription Drug Task Force

- **Goals of the Task Force**
 - **Extent of the Prescription Drug Problem**
 - **Review state and local ordinances (over 30 local ordinances)**
 - **Determine the need for substantive regulations for pain management clinics**
 - **Provide comprehensive action plan**



Subcommittees

Subcommittee Co-Chairs:

Sheriff Jerry Demings, Orange County
Joe Cocchiarella, State Attorney's Office & MBI
General Counsel
Marlin Hutchens, Vice President of Walgreens
Charles Chase, D.O. Anesthesiologists of
Greater Orlando and Winnie Palmer Hospital

Members:

George Ralls, M.D., Task Force Member
Director Phil Williams, Task Force Member
Kevin Sherin, M.D., Task Force Member
Meena Morgan, PharmD, Task Force Member
Carolann Duncan, Task Force Member
Barb Bergin, Task Force Member
Alan Villaverde, Task Force Member
Jennifer Lalani, Pharmacy Supervisor, CVS
Michael Judd, Market Health Wal-Mart
Dr. Stacy Seikel, Medical Dir. CFDFL
Jennifer Lieberman, National Pain Institute



Members:

Deputy Chief Charles Robinson, OPD
Tom Foy, FDLE
Captain Mark Pilkington, OCSO
Det. Lloyd Randolph, OPD
Angie King, Tax Collector's Office
Emily Kilianek, National Pain Inst.
Alexander Jungreis, M.D., National Pain Inst.
Greg Taboh, M.D., National Pain Inst.
Jordan Dershaw, Esq. National Pain Inst.
Dr. Bill Brooks, Advantagecare

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Orlando and Winnie Palmer Hospital

Members (Cont'd):

Alan Brown, Community Advocate

Fred Brown, Community Advocate

Dr. Zipper, National Pain Institute

Dan Frohwein, M.D., Orlando Orthopedic Center

Lois Adams, Freedom Pharmacy

Kurt Faschnt, Code Enforcement

Michelle Mendez, DO, Florida Osteopathic Medical
Assoc.

Jeff Scott, Florida Medical Association

James Shea, MD, Physical Medicine Pain Center

Zelda Hanna, Spine & Scoliosis Center

Mark Flynn, CVS



Members (Cont'd)

Matt Imfeld, M.D., Florida

Society of Phys. Med Rehab

Catherine Jackson, RN, Endo
Pharmaceuticals

Chief Brett Railey, Winter
Park PD

Danny Banks, ASIC FDLE

Steve Collins, Central Florida
HIDTA

Captain Art King, Winter Park
PD

Lt. Ted Silberstein, Ocoee PD

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Members:

Lt. Bruce McMullen, OCSO

Linda Rhinesmith, City of Orlando

Chris Schmidt, OC Planning

Kurt Fasnacht, OC Code Enforce

Rocco Relvini, OC Zoning

Shelly Simon, DOH Investigator

Roxanne McCarthy, DOH, Medical Malpractice Investigator

Marion Steble, Colonial Medical Practice

Robert Gutman, Colonial Medical Practice

Members:

Staff:

Dana Crosby, OC Attorney's Office

Carol Burkett, OC Drug Free Office

Healthcare & Pharmacy Subcommittee

Proposed Recommendation:

- **Increase healthcare provider education (Misuse and Abuse of Prescription Drugs – Forums & Webinar)**
 - Florida Academy of Family Physicians
 - Florida Academy of Family Physicians
 - Florida Medical Association
 - General Practitioner Society
 - Emergency Physicians
 - Florida Board of Pharmacy
 - Florida Retail Federation
 - Florida Pharmacy Association
 - UCF College of Medicine
 - Dentists
 - Podiatry
 - Orthopedic



Healthcare & Pharmacy Subcommittee

Proposed Recommendations:

- **Increase Prescription Drug Education & Awareness**
 - Drug Retail Industry
 - Independent/Community Pharmacies
 - Develop Prescription Drug Pharmacy Toolkit
- **Promote and Advertise Prescription Take Back Days** in the community to increase proper disposal of unused and unwanted prescription medications



Healthcare & Pharmacy Subcommittee

Proposed Recommendation:

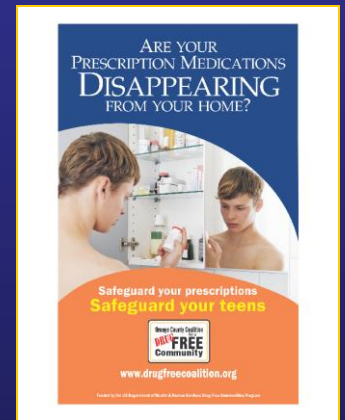
- **Information Sharing of Prescription Drug Abuse and Misuse Data**
 - Emergency Room Visits/Admissions
 - Medical Examiner's (semi-annual report)
 - Urgent Care Centers
 - Treatment Centers
 - Drug Addicted Babies (DCF)
 - Law Enforcement
 - Poison Control Center
 - Florida Youth Substance Abuse Survey (bi-annual report)
 - CORE Survey (annual report)



Healthcare & Pharmacy Subcommittee

Proposed Recommendations:

- **Increase Prescription Drug Abuse Education & Awareness**
 - **Parents**
 - **Seniors**
 - **Schools (Secondary/Higher Educ.)**
 - **Youth/Young Adults**
 - **Community-Based Agencies**
 - **Providers**
 - **Campus Health Professionals**
 - **Community**



Enforcement Subcommittee

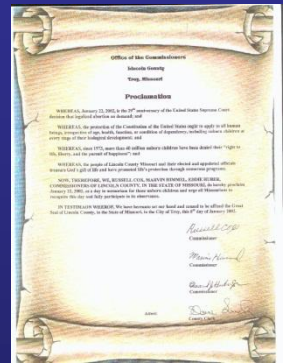
Objectives:

- Review state legislation and existing local ordinances relating to permitting, land use, zoning, and substantive regulations
- Collect information on prescription drug related arrests in the community and work jointly with the Healthcare and Pharmacy committee on strategies
- Further training of law enforcement agencies on prescription drug investigations and prosecution

Enforcement Subcommittee

Objective #1

- Reviewed state laws and local ordinances
 - **Florida HB 7095** (creates PDMP, requires PMC's to register, prohibits dispensing in PMC & more.)
 - **Sarasota** (operational regulations, zoning, PMC's must check PDMP, redefined PMC definition)
 - **Broward County** (Grand Jury Report)
 - **Palm Beach** (zoning, regulations on pharmacies and dispensing)
 - **Miami-Dade** (registration for PMCs)
 - **Pinellas** (registration and operational regulations)
 - **Manatee County** (registration of PMCs, check PDMP)
 - **Hillsborough, Manatee, Pinellas & Polk counties;** (Registration, permit or licensure of PMCs)
 - **Tampa and Winter Haven** (Registration, permit or licensure of PMCs)
 - **Satellite Beach** (LDR amendments regulating PMCs and Daily Reporting)
 - **Maitland** (Regulates pharmacies)



Enforcement Subcommittee

HB 7095 – Has some criticized “Loopholes”

- Doctors and pharmacists are not required to check PDMP prior to giving the patient the drugs. (This has always been an issue with the PDMP.)
- Board-certified pain specialists, anesthesiologists, neurologists and surgeons need not register with the State. (State officials reply that the exempted doctors have not been the main offenders.)
- No drug testing required of patients although doctors must write a detailed treatment plan and monitor patients for abuse

Source: "Law to Rein in Pill Mills has Loopholes," Orlando Sentinel (May 10, 2011).

Enforcement Subcommittee

Proposed Recommendations

Definitions:

- **Dangerous Drugs** – means a controlled substance specifically an opiate analgesic listed in Schedule II and Schedule III
 - Designed to be a very **narrow subset of prescription drugs** – those that have proved to be most dangerous to the community
 - These are not always dangerous, but have been dangerously abused by users and unlawful prescribing and distribution

Enforcement Subcommittee

Proposed Recommendations - Definitions:

Pain Management Clinic (PMC) – means any privately owned clinics, facility or office, whatever its title, “wellness center, “urgent care facility,” or “detox center,” which has at least one of the following characteristics:

1. Where a physician practices who **issues prescriptions for a dangerous drug to more than twenty (20) patients in a single day;**
2. Holds itself out through a **sign or advertising** in any medium as being in business to **prescribe or dispense** pain medication whether for Acute Pain or Chronic Pain;
3. Holds itself out through a **sign or advertising** in any medium as being in business to provide services for the treatment or **management of pain** (and actually **dispenses** dangerous drugs)
4. Meets **state definition** of Pain Management Clinic

Enforcement Subcommittee

Proposed Recommendations

Pain Management Clinic (cont'd) – **Exceptions:**

- Licensed as a **hospital** or other licensed facility
- Majority of physicians who provide services in the clinic are primarily **surgical services**
- Affiliated with an accredited **medical school**
- **Does not prescribe or dispense** controlled substance for treatment of pain
- Operated for the sole purpose of serving a **governmental entity**

Exceptions not Included:

- Wholly owned or **operated by board certified** anesthesiologists, physiatrists or neurologists
- Wholly owned or operated by one or more board certified medical specialists who have completed a **fellowship in pain medicine**

Enforcement Subcommittee

Proposed Recommendations

Registration and Operational Regulations for PMC

(cont'd):

- **Monthly Business Records** – PMC shall provide sworn monthly summary to include:
 - Total **number of prescriptions** written for Dangerous Drugs
 - Total **number of persons** seen by PMC
 - **State of residence** for each person prescribed or dispensed Dangerous Drugs
 - **Log of all attempts** to access and review the PDMP

Enforcement Subcommittee

Proposed Recommendations

Requirements for **New Pain Management Clinics**:

- **Zoning and Locations** – any new PMC shall only be allowed in the **I-4 Industrial Zone** and shall be prohibited as a home occupation
 - Building and use permits required
- **Separation Distances** – a new PMC shall **not co-locate** on the same property as a pre-existing pharmacy
 - New PMC shall **not operate within 1,000 feet** of any pre-existing pharmacy, school, daycare center, or home
 - Applicant **may request a variance** from the requirements

Enforcement Subcommittee

Proposed Recommendations

Regulation of Pharmacies:

- **Identification Requirement** – prior to filling or dispensing any prescription for a dangerous drug a pharmacist or pharmacist's agent shall require and record government issued identification
 - Exception: when Verification of insurance or health plan coverage through state-licensed insurance company has been done
- **Verification of Prescription** – if the pharmacist doubts the validity of the prescription, the pharmacist or agent must personally contact the prescribing physician to verify the prescription

Enforcement Subcommittee

Proposed Recommendations

Regulation of Pharmacies:

- **Records** – pharmacy will keep record of all prescriptions filled for no less than **two (2) years** and records of dangerous drugs will be provided to law enforcement or code enforcement within seventy-two (72) hours of the request
- **Pharmacist Compensation** –unlawful to pay any pharmacist a bonus, incentive compensation or reward solely for filling a prescription for **specific** dangerous drug
- **Separation Distances** – new pharmacy **shall not co-locate** on the same property as a preexisting PMC
 - Applicant for a new pharmacy **may request a variance** from the requirements

Enforcement Subcommittee

Proposed Recommendations

Prescription Drug Monitoring Program (PDMP):

- **Requirement of Prescribing Physician or Agent to check PDMP**
 - Within 24 hours prior to prescribing dangerous drugs, the prescribing physician or agent shall **access and review** the patient's information in **the PDMP**
- **Requirement of Pharmacist or Agent to check PDMP**
 - Prior to dispensing dangerous drugs **the PDMP** shall be checked
 - Exception: Verification of insurance or health plan coverage or through state-licensed insurance company has been done

Mayor Jacobs' Prescription Drug Task Force

- Prescription Drug Task Force adjourned Oct. 31
- TF voted to recommend Board adopt all Enforcement Subcommittee and Healthcare & Pharmacy Subcommittee recommendations
- Additionally TF voted to recommend Board extend current pain management clinic moratorium by 180 days to give time to review the recommendations
- Current PMC moratorium set to expire Dec. 14, 2011
- Public hearing on PMC moratorium extension will be set for Dec. 6, 2011

PRESCRIPTION DRUG



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**Enforcement Subcommittee
Recommendations**