



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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SUBSTANCE ABUSE WORKING GROUP
Meeting Minutes

DATE: March 28, 2012
TIME: 10:00 a.m.
LOCATIONS: Office of the Attorney General
Mock Courtroom
100 N. Carson Street
Carson City, NV 89701

VIDEOCONFERENCE TO:

Office of the Attorney General
Grant Sawyer Building
555 E. Washington Ave.
Las Vegas, NV 89101

1. Call to order and roll call of members of the Substance Abuse Working Group, Catherine Cortez Masto - Chair.

Meeting was called to order by General Masto at 10:00 AM. Roll was taken by Hena Rasul, Senior Deputy Attorney General.

Members Present

Las Vegas:

Catherine Cortez Masto, Attorney General – Chair
David Marlon, President, Solutions Recovery, Inc.
Kent Bistko, Executive Director Nevada HIDTA

Carson City:

Mark Jackson, Douglas County District Attorney
Kathlyn Bartosz, Nevada Statewide Coalition Partnership, EUDL Program
Mike Willden, Executive Director Nevada Department of Health and Human Services
Kevin Gehman, Chief, Fallon Police Department
Rory Planeta, Chief, Carson City Department of Alternative Sentencing
Henna Rasul, Senior Deputy Attorney General.

Member via phone

Peter A. Mansky, M.D., Director Nevada Professionals Assistance Program

Member absent

Richard Varner, Washoe Tribe Chief of Police

Others Present

Linda Fitzgerald, Executive Assistant to the Attorney General

Chris Ferrari, Consumer Healthcare Products Association

Paula Penrod, Citizen

Liz Mac Menamin, Vice President of Government Affairs, Retail Association of Nevada

Jason Penrod, Doctor of Pharmacy, Commander of Nevada National Guard

David Jones, Deputy Chief, Department of Public Safety, Investigation Division

Angela Friedman, Executive Assistant to the Director of Department of Health and Human Services

Sign in sheets are attached. (Exhibit A)

2. Comments from the public.

General Masto opened the floor for public comment.

(Mr. Willden joined the meeting.)

Dr. Penrod discussed several issues related to prescription drugs and illegal substance abuse including: his experience with preventing illegal drug use in Afghanistan; the need to address human nature through rehabilitation and law enforcement, particularly through "scared straight" efforts; and the successes and failures of the ISAF (International Security Assistance Force) process and the Combat Methamphetamine Act. He noted the usefulness of the Prescription Monitoring Program (PMP). He expressed the need to focus on the source of the drugs, not the end user.

General Masto thanked Dr. Penrod and welcomed collaborative efforts with Dr. Penrod. General Masto entertained comments from the Group. No comments were made.

Mr. Jones gave a synopsis of the work of the Investigation Division at its different locations. He offered the Task Force's collaboration. He praised the Pharmacy Board for their ground breaking work with law enforcement in Winnemucca and White Pine County. He discussed the work of the Nevada Trend Analysis Center (NTAC). He offered a bulletin published by the ILO/TLO that might act as notification to the Group (Exhibit B).

General Masto noted the number of Group members was lowered from sixteen to nine per statute. She noted collaboration with DPS, Mr. Jones, and Dr. Penrod will continue.

General Masto entertained further public comment. No other comments were made.

3. Review and approve the minutes from November 14, 2011.

Mr. Jackson noted three changes to the minutes. General Masto entertained and withdrew the motion to accept the minutes. Ms. Rasul advised that no action should be taken based on the agenda not noting "For possible action". The minutes will be brought back to the next meeting for possible action.

4. Discussion of the scope and focus of the Work Group for 2012.

General Masto expressed the need to identify and prioritize achievable goals. She noted the Group sunsets in 2015, allowing three years to focus on the Group's mission.

Mr. Marlon gave an overview of his letter dated December 12, 2011, the scope of the Group, and the AB61 description of the charter. Mr. Marlon listed four items of importance for the Group's focus: 1) addressing the prescription drug epidemic; 2) "bath salts," and 3) synthetic marijuana which along with "bath salts" were addressed by the rescheduling to Schedule 1; and 4) reviewing marijuana laws. He noted ONDCP's work (Office of National Drug Control Policy) with the prescription drug abuse prevention plan. He discussed the effectiveness of the PMP. He noted other topics of discussion related to law enforcement, two bills introduced in the last session, and the benefits of specialty courts.

Mr. Bitsko described the inability of a state task force led by a federal entity (DEA) to access the PMP information. He also noted the lack of DPS staff and time constraints which prevent access to PMP information. He suggested efforts similar to the long term tobacco prevention model of education and negative media advertisements. He recommended focusing the effort on youth since pharmaceuticals have overcome marijuana as the main gateway drug.

Dr. Mansky concurred noting the effects of restricting tobacco use in public places, the motivational approach as a primary prevention effort, and the value of prescription monitoring as a tool for the state. He discussed the need for education to pain doctors, and parents and their children. He recognized the effects of the socialization of prescription drugs.

Mr. Jackson stated rehabilitation and law enforcement are major components, but prevention through education is the key. He suggested an update from the Statewide Coalition on the use and effectiveness of their funding toward prevention efforts. He noted the return of the old P2P method of cooking methamphetamine and assumes P2P is coming from Mexico. He cautioned the Group about referring to the over 500 synthetic cannabinoids as one term, "synthetic marijuana," since marijuana is one of seven subgroups. He discussed refraining from using terms such as "bath salts" and "recreational use" since these terms are not used in the courts and are terms used to circumvent violations of the law.

Mr. Willden questioned the Group's interest in a drug testing policy for those applying for social services. He suggested they take interest because drug abuse relates to child abuse and drug testing legislation may occur at the state and federal level.

Ms. Bartosz expressed needed support of local law enforcement's zero tolerance efforts by the community and families as key to prevention. She stated education to the adults was even more important than to children. Ms. Bartosz noted the prevalence of overprescribed hospice medications collected at the Drug Round Ups.

Mr. Marlon reported high schools in Clark County are requiring drug testing for extracurricular and athletic programs. He suggested Mr. Willden look at this program as it relates to the social services policy mentioned earlier. Mr. Marlon offered three ways to address the problem: enforcement, prevention, and treatment.

Dr. Mansky suggested discussion occur regarding setting up interventions at the emergency rooms and the courts. He sought tactics to implement these interventions other than making the patients aware of treatment programs.

Mr. Jackson shared that a BDR is likely to come forward addressing raising trafficking quantities. He suggested the Group make recommendations to the Legislature regarding resources and effective penalties. He suggested Chris Ferrari give an update later in the year regarding pseudoephedrine, "smurfing," and the effectiveness of legislation from the last session.

General Masto explained the process of determining the Working Group's structure beginning with identifying the topics then determining how to address each topic using the following criteria:

legislation, funding, law enforcement, treatment, intervention, and education awareness. Prevention could fall into more than one of the categories. Ms. Bartos referred to the legal size spreadsheet developed by the Meth Working Group which follows General Masto's format.

General Masto reminded the Group that its work will be reported to the Legislature and Governor by January 2013. Because the Group is tasked to review legislation, she suggested a subcommittee be created to look at upcoming BDRs and their effect on the Group's efforts. In response to General Masto, Ms. Rasul confirmed the ability of the Group to form a subcommittee and to allow those outside the Group to be part of the subcommittee on legislation.

General Masto entertained a motion to create the subcommittee on legislation to track and report back on potential legislation that will impact the work of the Group.

The motion was made by Mr. Marlon

Seconded by Mr. Bitsko

General Masto entertained discussion from the Group. No discussion was had.

Action: Motion passed unanimously.

Mr. Jackson, Mr. Marlon, Mr. Bitsko, and Dr. Mansky were recognized as volunteers to create the subcommittee. General Masto assigned them to determine the chair and the structure of the group. General Masto noted others of the Group were welcome to participate in the subcommittee. She stressed the occurrence of a mandatory report from the subcommittee at every Group meeting. No further comments were made.

General Masto entertained a motion for the Prescription Drug Epidemic, Prescription Drug Monitoring Program (PMP) collaboration and ONDCP strategy to be a focus of the Group.

The motion was made by Mr. Jackson

Seconded by Dr. Mansky

General Masto entertained discussion from the Group. No discussion was had.

Action: Motion passed unanimously.

General Masto entertained a motion for the synthetic cannabinoids and synthetic stimulants to be a focus of the Group.

The motion was made by Mr. Jackson

Seconded by Ms. Bartosz

General Masto entertained discussion from the Group. No discussion was had.

Action: Motion passed unanimously

In response to Mr. Marlon, General Masto noted discussion on methamphetamine had not yet occurred and agreed methamphetamine abuse was still on the rise. Mr. Kent spoke of record breaking seizures, decrease in price, abundance of meth, and rise in its potency from 2008. He stated methamphetamine is still the number one drug threat that plagues the state.

General Masto entertained a motion to continue to discuss the methamphetamine epidemic as a focus of the Group.

The motion was made by Mr. Bistsko

Seconded by Dr. Mansky

General Masto entertained discussion from the Group. No discussion was had.

Action: passed unanimously.

General Masto entertained a motion to discuss mandatory drug testing of those applying for social services benefits. The motion was made and withdrawn due to suggestion by Mr. Willden that this topic be part of the legislative subcommittee's report. General Masto concurred.

General Masto asked if the marijuana laws, medicinal and illegality issue should be a topic of discussion for this coming year. Mr. Marlon suggested it could be covered by the subcommittee. Mr. Bitsko discussed Colorado's marijuana initiative; California's passing of the law to legalize marijuana; and the proponent group's goal to work through the legislature to legalize marijuana. Mr. Bitsko suggested the Group aggressively combat efforts to legalize marijuana if it comes to the attention of the legislative subcommittee.

Mr. Jackson suggested monitoring of the pseudoephedrine and smurfing situation. General Masto said that could be included with the discussion on the methamphetamine epidemic.

General Masto will send an email identifying the topics. The Group should then suggest for each topic which criteria upon which to focus. General Masto and Ms. Rasul further clarified members should email suggestions only to the General and avoid cross communication between members. General Masto will determine what can be shared to the group outside of the meeting. Ms. Fitzgerald will share the emails at the direction of the General.

Chief Planeta discussed the rise in heroine abuse among 18-24 year olds. He noted this is occurring because by comparison to OxyContin, the users believe heroine is less expensive and natural. He suggested heroine abuse be included for discussion. General Masto agreed prescription drugs are a gateway to heroin use and will include heroine abuse as part of the prescription drug discussion. General Masto stated that funding is always key to these issues. Also issues of drug abuse related to veterans and prison systems will be tied into the discussion.

5. Presentation from the Nevada State Board of Pharmacy on the adoption of regulations to address the scheduling of synthetic drugs.

Ms. Cramer reported on the schedule changes made to synthetic drugs. (See Exhibit B.) The first and second list of drugs were renamed Schedule 1 in Nevada and are still subject to emergency scheduling by the DEA. Three of the drugs from the second group, synthetic cathinones or synthetic amphetamines, are still subject to emergency scheduling by the DEA. If approval is given at the April 19, 2012 Public Hearing, the third group of drugs will go to LCB to approve before June 28, 2012. If all are approved these drugs will be added to the list of 146 Schedule 1 drugs in Nevada.

Mr. Pinson explained that the Schedule 1 drugs are large molecules that are easily re-structured to form new drugs. Because it is a lucrative business, the new drugs show up on the market soon after the scheduling. The Board works with law enforcement crime labs to ensure identifying methods of the new Schedule 1 drugs.

General Masto commented that Hawaii's legislature is trying to address the issue of restructured drugs by scheduling a "family of drugs." Mr. Pinson clarified the difficulty of scheduling the "backbone" of the drug's structure which could make some legitimately useful drugs illegal and impede research for positive use.

Ms. Cramer explained the test used to identify a Schedule 1 drug is 1) the presence of active chemicals that have no accepted medical use, and 2) the presence of highly habituating substances. Ms. Cramer expanded on the difficulties of a broad backbone law. She discussed Illinois's law regarding repackaging of drugs, Internet credit card purchases of customized drugs, and drugs largely being imported from China. She suggested creativity is needed for effective legislation. Mr. Pinson noted legislation regarding sales of all hallucinogenics creates issues with other legal household substances, such as glue.

In response to Chief Planeta, Ms. Cramer explained emergency scheduling can be made to raise or lower the schedule from any level. Mr. Pinson cautioned that due to the great expense, not all rescheduling should be processed as emergency scheduling. Chief Planeta and Ms. Cramer further

considered the issues and difficulties arising from arrests based on the generality of a “backbone” law, repackaging, and the need for sound science.

Mr. Jackson discussed the difficulty the Washoe Crime Lab and Las Vegas Metro are having with NIK (Narcotic Identification Kits) tests because what is found in blood or urine is very different than what is packaged. In response to Mr. Jackson, Mr. Pinson replied chemists and researchers will have valuable input for the Group. Mr. Pinson discussed drug abuse as a cultural issue with each generation having its own drug of choice and “bath salts” of the time.

Chief Gehman noted rescheduling needs to occur quickly to stay on top of emerging trends and asked how often the Pharmacy Board typically meets. Chief Gehman discussed the use of generic legislative language such as prohibiting the sale of synthetic drugs at certain businesses. Mr. Pinson explained the Board meets every six weeks, a public hearing must be held six weeks later, then LCB must look over the language, and then a last meeting occurs. Generally the process takes 3 – 4 months.

6. Presentation from the Nevada State Board of Pharmacy on the Prescription Drug Monitoring Program.

Mr. Pinson presented on the Controlled Substance Prescription Abuse Prevention Task Force, and the function of the Prescription Monitoring Program (PMP). (See Exhibit D.) He commented on a CDC study looking at the impact of PMP on Medicaid care. He offered the Board of Pharmacy’s support to the Group.

Mr. Jackson and Mr. Pinson discussed the accessibility and use of the PMP; increasing the level of compliance with the PMP as standard of practice; the possibility of curbing substance abuse with the increase in use of the PMP; and the importance of the education of dispensers and practitioners, including dentists. Mr. Pinson and Mr. Jackson agreed that as a cultural and historical issue education is key. Mr. Pinson foresaw time released hydrocodone as the next major problem.

7. Presentation from Lesley Dickson, M.D. Chair of the Governor’s Committee on Co-Occurring Disorders.

General Masto discussed the importance of collaborating with the many other groups that are addressing similar issues. She welcomed Dr. Dickson.

Dr. Dickson introduced herself as Medical Director of an opiate substitution company. She is involved in the psychiatric community. She would like to return to discuss opiate substitution and report back on a Methadone Maintenance Event for which she will present in April. Dr. Dickson stressed the need to get the information to the isolated doctors that do not interact with the main medical community and to make PMP better known.

Dr. Dickson presented from her handout (Exhibit E) which summarized the January 31, 2011 report to the Legislative Council Bureau (Exhibit F). The report discusses the difficulties of getting treatment to patients; lack of communication concerning services of different entities; need for drug abuse prevention legislation; and difficulty with patients abusing drugs.

In response to General Masto’s question on future collaboration, Dr. Dickson suggested continuing communication with the individual experts of the sunsetted Co-occurring Disorders Committee.

(At 12:00 noon, videoconference connection was dropped, no discussion occurred, and the videoconference was reestablished. Dr. Mansky announced he had to leave the meeting.)

8. Presentation from Nevada Department of Corrections, Darcy Edwards, Substance Abuse Program Director on substance abuse treatment programs provided in the prison system.

Ms. Edwards provided a handout (Exhibit G). She discussed Nevada's need for a comprehensive collaborative approach to treatment and intervention. She noted that this approach accounted for the low recidivism rate in Oregon. General Masto agreed with Ms. Edwards that collaboration was lacking and necessary in Nevada. Ms. Edwards welcomed the Group to attend a future presentation of the report on the baseline needs assessments currently being conducted for Nevada. General Masto offered the Group's assistance in the collaborative effort.

9. Discussion and scheduling of future meetings and agenda items. For possible action.

General Masto stated the Group will continue to meet on a quarterly basis. Ms. Fitzgerald will contact the Group to coordinate the next meeting.

10. Comments from the working group.

No further comments were heard from the group.

11. (agenda mislabeled as 13.) Comments from the public.

Mr. Ferrari discussed the National Precursor Log Exchange Tracking System (NPLET). General Masto will place Mr. Ferrari on the next agenda to demonstrate the system to the Group.

Ms. Mac Menamin offered her support to the Group's efforts. General Masto welcomed the collaborative efforts.

Ms. Penrod discussed her experience using PMP, and suggested registration with the PMP as requirement at time of licensure. She expressed concern over the lack of funding for law enforcement and DRE training, and the need to prevent drugs from coming over the border. She described her experience with fraudulent IRS tax returns as it relates to drug cartels and purchase of illegal drugs.

12. (mislabeled as 14.) Adjournment.

General Masto entertained adjournment.

Motion: Mr. Bitsko

Second: Mr. Marlon

Meeting was adjourned at 12:16 PM