

**(DRAFT) Minutes of the
Substance Abuse Working Group**

DATE: July 19, 2012
TIME: 2:00 p.m.
LOCATIONS: Office of the Attorney General
Grant Sawyer Building
555 E. Washington Ave.
Las Vegas, NV 89101

VIDEOCONFERENCE TO:
Office of the Attorney General
Mock Courtroom
100 N. Carson Street
Carson City, NV 89701

**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 2:00 PM. Roll was taken.

Members Present

Catherine Cortez Masto, Attorney General – Chair
Peter A. Mansky, M.D., Director Nevada Professionals Assistance Program
Mark Jackson, Douglas County District Attorney
Richard Varner, Washoe Tribe Chief of Police
David Marlon, President, Solutions Recover, Inc.
Kent Bistko, Executive Director Nevada HIDTA
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

Member absent

Others Present

Michele Caro, Legal Secretary II, Las Vegas Office of the the Attorney General
Chris Ferrari, Consumer Healthcare Products Association
Jim Acquisto, APPRISS

Sign in sheets are attached. (Exhibit A)

2. Comments from the public.

General Masto opened the floor for public comment.

No public comments were offered from Carson City or Las Vegas.

3. Review and approve the minutes from November 14, 2011 and March 28, 2012.

Attorney General Masto entertained a motion to approve the minutes from both meetings.

Mr. Jackson moved to approve minutes from both meetings. Motion was seconded. Mr. Marlon noted minor typos: 1) Solutions Recovery was missing "y" in March 28 Minutes on first page and on page 3, paragraph 8 "legislation" should be "program". Mr. Jackson amended his motion to approve the minutes with the changes noted by Mr. Marlon. The motion was seconded and the minutes from both meetings were unanimously approved.

4. Discussion addressing the prescription pain pill epidemic and possible recommendations for prevention and treatment.

Attorney General Masto invited Board Member Marlon to address this item as noted in the Agenda.

Mr. Marlon recalled sharing a scope document from approximately six months ago and noted three months later, a pain pill epidemic document was distributed to this group. He stated that since the last working group meeting, members of this committee met with several doctors to discuss the Prescription Drug Monitoring System. Mr. Marlon noted that members of the statewide Partnership Coalition also presented and discussed a survey they are working on. Today's group agreed to wait for the results of this survey on a Prescription Drug Monitoring System and bring it back to this group for recommendations and discussion. In addition, the plan discussed addressed treatment and education. Mr. Marlon suggested putting on the floor for this group that those two items were still outstanding.

Attorney General Masto observed that thought Linda Lang is not present, she did participate in the discussion with doctors and how statewide coalition is doing surveys. Attorney General Masto asked that Kathy Bartosz speak on this issue.

Ms. Bartosz of the Nevada Statewide Coalition Partnership stated they are working on creating a survey _____ (unintelligible) based on results of the September survey sent to prescribers that is now voluntary as to why people are limiting participation regarding usage/non-usage of the prescription modeling program. They are working with the Pharmacy Board to get this questionnaire developed. They are waiting for funds to be released. Ms. Bartosz stated it is anticipated that the funds will be released and results in no later than September. Ms. Bartosz conveyed anecdotal information received that, at 20 minutes, the process is taking too long for feedback. The group is looking at this and other reasons given for low rates of participation (21%) so the issues can be remedied to increase participation. Ms. Bartosz clarified the main goal of the survey was to understand reasons for low rates of participation and work to increase participation.

Dr. Manskey noted that he uses the system extensively though he prescribes very little but does work extensively with others who do. He recalled problems with the system in the past year in terms of getting it set up and working. He does not believe the rate of those using system is as low as 21%. Dr. Manskey reminded the group that not all physicians prescribe controlled substances. He noted that the monitoring system is able to pick up on patient patterns to determine which patients are being prescribed inordinate amounts of medications. He believes it has been a great success for monitoring patients. He does not think physician prescribing alone is the problem. Although he noted, physicians prescribe

more wisely after being in a program of recovery compared to when they were using drugs themselves.

Attorney General Masto conveyed concerns relayed to her in physician meetings that the site was too difficult to use and stated that this must be made more user-friendly. She also noted that some physicians will utilize narcotics at a higher rate because of their area of specialization. Attorney General Masto expressed support for the survey as a tool to aid in understanding the physicians' issues and concerns that would allow the Board and Pharmacy Board to make a better product.

In response to Dr. Manskey's question about how group of physicians with whom some Members met was chosen, Attorney General Masto advised that she and Mr. Marlon reached out to medical association and their lobbyist to discuss issues. When they found out survey was going out, they decided to get results of survey first. Dr. Manskey offered to assist in finding/selecting physicians to work with on topics in the future and in future communications with physician groups. As such, he would like to be kept in the information loop on such matters. Attorney General Masto thanked him for the offer and agreed, going forward, this committee would take advantage of the members of this group who were chosen for good reasons.

Before Attorney General Masto closed this agenda item, Mr. Marlon expressed hope that treatment and education would be talked about more in this group.

Attorney General Masto brought the group's attention to an item just handed out entitled Substance Abuse Working Group that notes areas discussed at the last meeting that were to be the Group's focus in the coming year. Areas of focus were to include: education; awareness; treatment; legislation; and law enforcement. Attorney General Masto would like the group to keep in mind an area that had not yet been fully developed in the last conversation with regard to treatment in Nevada. As the group discusses various topics with regard to substance abuse, she would like to keep the important component of treatment in the conversation and welcomes the Group's thoughts on this. There were no disagreements with this suggestion.

Mark Jackson stated from a law enforcement and prosecution standpoint, it is understood from their past work in this area that we cannot "enforce" our way out of this and the key is prevention and treatment.

Dr. Manskey observed that getting people who have been arrested into Drug Courts to get them out of the revolving door of abuse and incarceration is important. He noted a key issue, particularly with methamphetamine abusers, was getting them before they were in the emergency room or facing incarceration to treatment sources.

Attorney General Masto agreed but would like to make sure treatment resources were available for those who sought treatment so that they did not have to commit a crime in order to get help. Dr. Manskey concurred though he noted for methamphetamine users, they often needed to be facing a crisis before they were amenable to treatment. He believes publicizing what treatment is available to addicts as well as the families is valuable but again noted that ER and arrest crises are often the most fruitful time to get a higher percentage of addicts enrolled in treatment. Attorney General Masto queried the group as to who should be brought in and what should be discussed at a 2-3 hour meeting devoted to treatment so

that action items could be formed. She would like an e-mail from members of the group with suggested guests and topics.

Kent Bisko would like to add the training and education components to the proposed meeting in the belief that emphasis on those items could prevent the need for treatment down the line. At concurred.

Dr. Manskey spoke regarding getting treatment sources related to Drug Courts to come in and talk about treatment.

Attorney General Masto noted that though Mr. Wilden is not present, having him and his group come on would be helpful. Mr. Jackson stated that it would be useful for him if Mr. Wilden and others came in so that he knew all treatment venues available both public and private. Mr. Jackson stated, in his experience working in the criminal justice system, some of the most successful outcomes were from individuals who sought treatment outside the criminal justice system. Mr. Varner agreed.

Mr. Bitsko suggested reaching out to school districts regarding programs in place that the group could assist with. He will reach out to Southern Nevada school districts.

Attorney General Masto asked that the group send Linda Fitzgerald e-mails with names and topics for a treatment meeting. Mr. Jackson requested a table broken down by county showing what existing resources are in place with regard to education in schools, treatment facilities, etc.

Mr. Marlon added that payment for treatment in terms of insurance and uninsured should be addressed.

Dr. Manskey requested that services for Veterans be included in the treatment discussion including whether or not they have benefits. Attorney General Masto concurred and noted that Inmate substance abuse issues would also be included in the discussion of treatment.

5. Discussion of expanding state legalization of marijuana for medical use.

Mr. Marlon stated that since this Group's last meeting, a newspaper article in Southern Nevada regarding Assemblyman Segerblom's intention of putting an expansion of the legalization of marijuana forward at the next Assembly Session. Mr. Marlon expressed his concern that marijuana, whether as a recreational or gateway drug, is a serious matter. Mr. Marlon related that in other states, passage of medical marijuana laws corresponded with much higher rates of schoolchildren using the drug. He believes strongly that this is a matter that this Group should weigh in on. Mr. Marlon asked if Mr. Bitsko would speak to this. Mr. Bitsko stated that he would like to give a presentation and discussion on this at a future meeting so that he could give a full and comprehensive report this Group. Attorney General Masto agreed to this. All members present agreed to this.

The Group agreed to jump ahead to Agenda Item Number 8.

8. Nevada Statewide Coalition Update.

Ms. Bartosz advised that the Drug Stop would be October 1st and 2nd. A well-received speaker from last year would again discuss the effects of marijuana on adolescent brains and a pharmaceutical representative would discuss how synthetic THC would render moot the argument for medical marijuana. Another doctor would be speaking who has spoken to physicians group. This doctor surprised many when advising that contrary to what some had been taught in medical school, it was a myth that patients could not become addicted to drugs when following a therapeutic regimen. The belief in such a myth made her group aware that more physician training in this matter was necessary. They are working on providing such information with the University of Nevada School of Medicine so that narcotic addiction and marijuana are both addressed. There will also be discussion about how narcotic addiction can bleed over into heroin and opiate abuse. Treatment and methamphetamine abuse will also be discussed.

Ms. Bartosz noted that under the grant money previously mentioned with regard to the physician surveys in Agenda Item 4; when grant money is released, there is also a Consumer Education element that includes a physician drug tracking card would be going to pharmacies to give to clients to help them track their medication and the directions for proper disposal of same. A campaign for consumer education with regard to storing, keeping and using prescription medication will begin. Media including You Tube and “Apps” will also be utilized. Prescription Drug Roundups will continue. Teen Screen for voluntary mental health screening of middle and high school helps identify not just students with substance abuse but also mental health issues. Funding will also go toward the Drug Summit. Ms. Bartosz relayed that confidentiality had been so closely observed regarding the treatment of young people that there was some fear from parents as to what was happening during treatment. To remedy this situation, a virtual video tour will be shown to reassure parents bringing in their child or teen for treatment. There were no questions or comments from the group on Ms. Bartosz’s presentation.

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

Attorney General Masto opened this item stating that it is in keeping with this group’s concerns with curbing methamphetamine use and trafficking in this state, she had opportunity to see the NPLeX (sp?) Presentation and encouraged other members of the committee to see the presentation if they have not yet done so. She noted that this does not mean this group or the AttorneyGeneral has yet committed to sponsoring or co-sponsoring NPLeX. NPLeX is one tool this group may consider using and that decision will be made by the group as a whole.

Chris Ferrari introduced Jim Acquisto of Appriss. Appriss who created NPLeX which is now used by approximately half of the states across the country and several others have Bills pending. Mr. Ferrari provided figures of boxes of medicine containing pseudoephedrine that had been blocked by using NPLeX from January to June in Indiana - 57,000; Missouri - 22,000; Tennessee - 26,000; South Carolina – 27,000. Mr. Ferrari acknowledged that this is not a silver bullet but an opportunity, at no cost to our state, to identify a solution to the illegal purchase of pseudoephedrine, “smurfing” and other related challenges we are facing.

After Mr. Acquisto's 29 page/slide presentation (see attached) – lengthy discussion ensued between Mr. Jackson and Mr. Acquisto regarding statistics; criticism from some states regarding flooding law enforcement with data; amount of medicine illegally used to convert into methamphetamine; East Coast vs. West Coast methods or methamphetamine manufacturing; buying; selling; and distribution.

Mr. Marlon thanked Mr. Acquisto and asked for clarification regarding the three hundred stores in Nevada using the NPLeX now. He asked for confirmation that buyers are blocked once they have purchased nine grams of pseudoephedrine in a month. Mr. Acquisto confirmed. Mr. Acquisto advised he cannot advise how many drug stores in Nevada are not using NPLeX as he does not know how many drug stores there are in total in state. Mr. Acquisto noted that Walmart, Walgreens and independent chains are not in the NPLeX system. In response to this, Ms. Liz MacMenamin of the Retail Association of Nevada was introduced by _____(Mr. Ferrari?)

Ms. MacMenamin stated the large stores Mr. Acquisto mentioned are implementing the NPLeX program nationwide. She stated that there are over 700-800 chain drug stores in the state (this does not include independents) that do not use the system as it is not mandatory. They use paper logs. She states her members find paper logs problematic for them as well as law enforcement. She and her group are on-board and in full support of implementing this system. She spoke positively of what members such as Walmart/Walgreens have said in support of this system. She stated this system has allowed the stores to stop or block sales in a way that the paper system did not. She noted that Nevada's current prescription monitoring system is very similar to NPLeX. She reiterated that her Association is in total support.

Mr. Marlon's final question was regarding how a for-profit company can provide this system at no cost to Nevada. Mr. Acquisto advised that this system is paid for by the manufacturers of medication. Kevin Kraushaar of the Consumer Health Care Products Association was introduced and spoke to the issue.

Mr. Kraushaar confirmed members of his Association include the manufacturers of ClaritinD and AllegraD which are products that contain pseudoephedrine. The companies have committed to paying for the system for as long as it is in place. All of the laws he is familiar with state that the system must be provided at no cost to retailers, law enforcement or the state. He emphasized that members of his Association, who are among some of the largest pharmaceutical companies in the world, pay for this system and will continue to do so as long as it is necessary.

Attorney General Masto advised that she has supplied members of this group the NPLeX model legislation for consideration. Attorney General Masto Mr. Ferrari noted that language would need to be tailored to Nevada.

Comment from Chief _____ with law enforcement background observing that though he can see some of the "Big Brother" concerns, he thinks this could be a valuable tool in providing more information to law enforcement.

Mr. Jackson stated he sees NPLEx as a huge improvement over the current paper log system and an effective law enforcement tool. He thanked Mr. Acquisto for his patience in answering all questions and educating the group.

Mr. Ferrari stated this while this is not a perfect system, it is a huge improvement over the current antiquated system and will help Nevada progress further and join other states in attacking this drug issue.

Attorney General Masto asked the group for their feedback regarding this system. Mr. Marlon stated he has not yet reviewed the law but was in support of further consideration of implementing this system. Mr. Bitsko supports implementing this system as a pro-active measure - while not the best system, he believes it is a step in the right direction. Mr. Jackson, speaking solely in his capacity as D.A. of Douglas County, stated he supports this system as a step in the right direction. He made a motion for this Working Group to support a recommendation for NPLEx Legislation in Nevada. Attorney General Masto concurred while adding Mr. Marlon's caveat that the legislation would have to be tailored for Nevada. It was seconded by _____. No further discussion. The Working Group will approve or recommend the adoption of an NPLEx type system in Nevada and corresponding legislation tailored to Nevada. The motion was unanimously approved.

7. Discussion of creating an Impaired-Driving Subcommittee of the Substance Abuse Working Group to review DUI related legislation and initiatives and make recommendations to the Working Group.

Mr. Brett Kandt, Ex. Director, NV Prosecution Advisory Council, Office of the Attorney General. Mr. Kandt relayed the following: The National Institute Highway Traffic Safety Administration ("NHTSA") conducted an assessment of impaired driving in Nevada in 2004 and made numerous recommendations. One preliminary recommendation was that a formally constituted task force be implemented statewide regarding impaired driving and to develop strategies for combatting same. Many states have such a mandated task force though ours does not. In 2006, the Attorney General's Office convened an informal working group of the stakeholders to focus on impaired driving issues. In 2011, the NHTSA conducted a subsequent assessment of the state's efforts and strategies and the issue of a task force was once again raised. Mr. Kandt asked whether this group would consider making an Impaired Driving Subcommittee to make NHTSA recommendations for strategies. Attorney General Masto opened this item up for discussion with respect to bringing an Impaired Driving Subcommittee into this group.

Ms. Bartosz stated she thinks this is a tremendous idea. She noted that in the audience are Linda Finch of MADD and _____ of OTS (sp?).

Mr. Jackson supports this 100%.

There were not disagreements.

Mr. Jackson made a motion to form an Impaired Driving Subcommittee of the Substance Abuse Working Group to review DUI related legislation and initiatives and to make recommendations to the Working Group.

_____ seconded the motion.

There was no further discussion.

The motion was approved unanimously.

Attorney General Masto asked that the group think about who would want to be involved to chair this subcommittee. This will be an item at the next meeting.

8. Statewide DEC Initiative update.

Ms. Martie Washington, Grants and Project Analyst, Office of the Attorney General spoke of the goals of the DEC Initiative including: Public Awareness – the DEC Website has been launched at www.decnevada.org. The Statewide Coordinator, Allison Smith, has presented this information to groups from June through yesterday and has more presentations planned. Education has been provided to over 800 Nevadans. Individual meetings have been with Washoe, Pershing, Lander, and Clark Counties. Protocols have been set up in Humboldt, Churchill, Pershing, Lander, Elko, Carson, and Washoe - they are either signed or almost ready. Douglas and Nye Counties are reviewing protocols to use. The Statewide Native American Coalition in Clark County are in the process.

In regard to the Nevada Alliance for DEC; they had their first meeting in mid-June. There was representation from the Attorney General's Office, treatment, mental health, the Coalition's Law Enforcement/Prosecution, and DCSF. What is missing is someone from the medical community, a representative from the South, and someone from the education community.

Ms. Washington spoke of the importance having state leaders come together, formally support and collaborate on DEC efforts with the MOU. She would like to see Chris Perry from the Department of Public Safety sign the MOU.

Attorney General Masto stated she is not certain that this group has the authority to enter into an MOU though this group may be able to support a resolution of some kind. This issue will be held while this group looks into what it can do with respect to this matter as the group's mission clearly supports it.

Ms. Washington explained that DECSYS is a web-based application that creates communication between Child Protective Services ("CPS") and law enforcement. Law enforcement can log on to DECSYS in the case of a drug-related arrest that sends a report for CPS to consider action. If CPS decides action is not warranted, a paper trail is created. CPS could run a person named in a DECSYS report to see if there had been previous issues. This information could help in make placement decisions. She stated that CPS is 100% supportive. The pilot was run with drug related arrests but other criteria could be used. In the pilot, 130 children were found who required intervention – only 8 of those children were actually present at the time of the arrest. Law Enforcement would still be required to make a verbal report if they witnessed child abuse. The cost requirement includes a person at each law enforcement facility to enter the data. The cost of the system is being funded by the Colorado DEC. Ms. Washington has applied for this in Nevada – there are 14 states vying for 5 positions.

Ms. Washington conveyed a concern from law enforcement regarding DECSYS hindering an investigation. Ms. Washington was advised by DECSYS that there is narrative box in DECYSS that will allow the office to make the request for no action by CPS until advised to do so.

Ms. Washington responded in the affirmative to Attorney General Masto's query if Colorado is the only state currently using DECSYS.

Mr. Marlon asked if there was anything this group could do to assist in getting this grant money to Nevada. Ms. Washington advised that it is a resource grant – not a cash grant.

Mr. Jackson stated it is important that along with CPS, Ms. Washington should spend time talking to law enforcement sheriffs and chiefs. He spoke of statewide data issues. Specifically, he noted the state law that all dispositions of arrests must be registered in the state repository. Nevada is out of compliance by approximately 1,000,000 entries. Some counties are much more behind than others. Coding requirements further complicate Nevada's data issues. Law enforcement offices are too understaffed to re-enter data.

Ms. Washington stated she found rural law enforcement offices were often still open to this and noted their dispatchers or volunteers could enter the data.

She will work to get in touch with other sheriffs and chiefs as Mr. Jackson suggested.

Ms. Bartosz expressed her support for this endeavor and Ms. Washington's passion for the project. She also noted that the additional data provided by DECSYS would be useful in arguing the case for additional funding in her area.

As there were no other questions or comments, Attorney General Masto thanked Ms. Washington for her the presentation.

9. Comments from the working group.

Attorney General Masto noted that this group should always have a Legislative Subcommittee Agenda item just as, in the future, there will be an item for the DUI Subcommittee.

In the meantime, she asked Mr. Marlon to speak regarding the Legislative Subcommittee. Mr. Marlon advised that he, Messrs. Manskey, Bitsko, and Jackson spoke today and agreed to have their first Legislative Subcommittee meeting via teleconference on July 30 at 2:00. They will then address scheduling subsequent meetings, assigning a chairperson, and reviewing the agenda. _____(unintelligible discussion regarding agenda items) He mentioned adding as an agenda item Mr. Wilden's question regarding drug testing for Social Services. Mr. Marlon stated that is an item the subcommittee will follow and report back to the working group here.

11. Comments from the public.

Chris Ferrari spoke on behalf of the Nevada Dental Association. At the last meeting comments were made primarily regarding medical doctors and over-prescription of drugs,

dentists were also mentioned. Immediately following that meeting, Mr. Ferrari reached out to

Mr. _____ (Pinson?) Five days later, they flew to Reno and met with the Executive Director of the Nevada Dental Association flew to Reno and were walked through the prescription monitoring program. After that, a blast e-mail was sent to over 800 members on how to register for the prescription monitoring program. Mr. Pinson and another member will also be writing articles for their quarterly journal. The Nevada Dental Association wants this group to know they are proactively approaching this matter and would be pleased to send a member if a working group is formed pursuant to issues discussed in Agenda Item 4.

12. Adjourn

A motion was made and seconded to adjourn this meeting at 4:16 p.m.

DRAFT