

STATE OF NEVADA SUBSTANCE ABUSE WORKING GROUP

MINUTES OF MEETING

October 8, 2016

(Minutes approved at the 12/8/16 meeting)

Location of Meeting:

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., Room 4500
Las Vegas, NV 89101

1. Call to order and roll call of members.

Attorney General (AG) Adam Laxalt called meeting to order at 10:00 am. Secretary, Marissa Houk, called roll.

Members present:

Adam P. Laxalt, Attorney General – Chair
Wesley Duncan, First Assistant Attorney General – Vice Chair
Mark Jackson, Douglas County District Attorney
Linda Lang, Executive Director, Nevada Statewide Coalition Partnership
S. Paul Edwards, General Counsel, Nevada Board of Pharmacy
Dr. Stephanie Woodard, Department of Health and Human Services
AJ Delap, Las Vegas Metro Police Department (LVMPD)
Pat Hickey, Member Nevada State Board of Education
Sophia Long, Deputy Attorney General

Members Absent:

Dr. Larry Pinson, Executive Secretary, Nevada State Board of Pharmacy
Dr. Miriam Adelson, Adelson Clinic

Others Present:

Michele Smaltz, Executive Assistant to Attorney General Adam Laxalt
Marissa Houk, Legal Secretary II, Office of the Attorney General
Patty Cafferata, Special Assistant Attorney General
Stacy Ward, Drug Abuse Prevention Coordinator, Street Enforcement Team
Leandra Cartwright, Government Relations Manager, J.K. Beltz & Associates
Elyse Monroy, Policy Analyst, Office of Governor Brian Sandoval
Cathy Dinauer
Jenny Reese

Chelsey Parvin
Jim Endres
Lea Cartwright
Shelly Capurro
Jamie Ross
Trey Delap
Kimberley Arguello
Catherine O'Mara, Nevada State Medical Association
Stephanie Borene

2. Public Comment

Jamie Ross shared information regarding upcoming prescription drug round-up, to take place October 20 & 22, 2016, with six collection sites throughout Northern Nevada.

3. Discussion and possible action on approval of June 8, 2016, meeting minutes.

Minutes approved as written.

4. Discussion on High Intensity Drug Trafficking Area (HIDTA) Report from Colorado. Mark Jackson, Douglas County District Attorney.

Mark Jackson's presentation focused on the HIDTA Report from Colorado and the impact of the legalization of medical marijuana and recreational marijuana on the state's youth population. Mr. Jackson explained that the report was compiled in response to a survey from Healthy Kids Colorado, published in the Denver Post (June 2016), showing marijuana use in Colorado teenagers to be flat. The information gathered in the HIDTA Report includes statistics from hospitals and law enforcement showing a significant increase in marijuana use among teenagers and young-adults. As many as 1 in 3 high school juniors and seniors in Denver are marijuana users. Further shown in the report, Colorado is #1 in teenage use, #1 in young-adult use, and #1 in adult use in the nation. Mr. Jackson commented that Nevada does not want to follow Colorado in these statistics.

AG Laxalt asked for questions on behalf of Mr. Jackson. No questions presented. AG Laxalt moved to the next agenda item.

5. Discussion and update on possible substance abuse awareness campaigns from Dr. Stephanie Woodard. Department of Health and Human Services.

Dr. Stephanie Woodard updated the working group on a consolidated report compiled by state Medicaid agencies on the treatment services and medications covered for Medicaid patients. This report is geared toward providers and is expected to be released in the next couple of weeks and made available to the general public.

Dr. Woodard reported that physicians and community providers gave input on how awareness campaigns can be most effective and the populations to target. An online registry or database is in progress to show where funded substance abuse treatment beds are available throughout the state in real-time. Emergency rooms and hospitals will be targeted to ensure access to the database and increase awareness of opioid overdose.

Dr. Woodard reported on the progress of an “algorithm” for providers to use in determining when and how to proceed with treatment, as well as when to administer Naloxone. The statewide Epidemiological Work Group and the Multidisciplinary Prevention Advisory Committee gave input on physician education and awareness.

AG Laxalt commented that most of the projects described would be handled by the Department of Health and Human Services. The role the Committee would play in the awareness campaigns is still undefined, but would likely be geared toward educating the public on opioid abuse. This campaign would need to occur after elections and dependent on available funding.

Ms. Lang commented that she would like to see an educational campaign geared to the public that focused on alternatives to opioids for pain management.

AG Laxalt asked Dr. Woodard and Ms. Lang to work together on an educational campaign geared toward the public on alternative methods for pain management. Dr. Woodard and Ms. Lang consented.

6. Discussion on AB 453 (2015 Session) Dexamethorphan; Preventing Teen Cough Medicine Abuse. Chris Ferrari, Consumer Healthcare Products Association.

Chris Ferrari reported that Dextromethorphan (DXM) is the most widely used over the counter cough suppressant, and is non-narcotic and non-physically-addictive. When taken in excess, hallucinations and confusion are common side effects. The problem with DXM abuse came to a head in 2010 and the Drug Enforcement Agency (DEA) reached out to determine if there was a need to schedule the drug. Mr. Ferrari stated the objective is to offer these medications to adults who need them while making it more difficult for minors to obtain and abuse.

DXM Labworks, a video game available online, was created to target and educate millennials on DXM. In the game the player becomes a robot and determines the effects of DXM in varying levels.

Mr. Ferrari explained that 88-90% of retailers voluntarily do not sell products with DXM to those under 18, meaning they’re asking for identification prior to sale. Eric Adona’s House Bill 20A6 from the 2014 legislative session instructs retailers to ask for identification prior to sale. 12 states have adopted legislation, 2 are pending. They are looking for bill sponsors and endorsements on the issue. Mr. Ferrari reports that the abuse rate has decreased since campaign began in 2010.

AG Laxalt expressed interest in the group supporting legislation and requested to see the Arizona style bill. Mr. Ferrari is to bring example to a future meeting.

Mr. Edwards commented that there is evidence showing abuse of cough medicine with codeine is on the rise among teenagers in Las Vegas. Mr. Edwards explained scheduled drugs require prescription and that the cough medicine with codeine is currently a schedule 5 and is largely untracked.

AG Laxalt requested clarification regarding substance schedules. Mr. Edwards explained that schedule drugs require prescription and have been determined to be potentially abusive. Expanding tracking of schedules from 2-4 to 2-5. Street value per bottle is approximately \$600.00 due to the high demand.

AG Laxalt asked how the bill would need to be presented and if there would be a funding gap? Discussion with Mr. Duncan and Mr. Edwards was made. Mr. Duncan stated he may be able to add schedules 2-4 to the current bill draft request and will look into bill drafting. Mr. Edwards explained there are two possible ways to go about the change. The first option would be to change the statute to collect data on all schedule 2-5 controlled substances. The second option would be for the Board of Pharmacy to change scheduling on Promethazine. An adverse effect of changing the schedule is that it could cause confusion between states.

Dr. Woodard requested a list from Mr. Edwards of the schedule 5 controlled substances where increase in abuse has been shown? Dr. Edwards confirmed he will provide to Dr. Woodard.

7. Report on Recreational marijuana legislation and its impact on the state, Honorable Pat Hickey, Nevadans for Responsible Drug Policy.

Mr. Hickey reported on IP1 Question 2 and foreseeable reasons that the initiative would have negative impacts on Nevada. The first issue is that schools are third on the list to receive money and the amount would be minuscule. The second issue is a lack of language as to edibles, advertising or "opt outs." The third issue is that it would be problematic for Nevada's taxation system. Hon. Hickey reported that Dionne Contine visited Colorado on behalf of Governor Sandoval and was advised it will take longer and be more expensive than anticipated. Hon. Hickey commented that it would be beneficial for the state to figure out medical marijuana before enacting recreational use.

Ms. Lang commented that many for and against legalization have recognized that the language in the bill is "bad." Work-force could face an issue due to drug-testing and employees being unable to pass the mandatory pre-employment drug test. Ms. Lang asked if there is there anything recommended at grass-roots level?

Hon Hickey further explained that Colorado is booming economically but is having a serious problem finding employees to fill entry-level employment, such as jobs in the food and beverage industry. Young people are unable to pass the pre-employment drug screen.

AG Laxalt asked if there were numbers to show an increase in unemployment in Colorado and Hon Hickey answered that there are not, but there are numbers to show problems related to homelessness. Ms. Lang commented that Mitch Morrissey has statistics on unemployment. Mr. Morrissey is the District Attorney of Colorado's Second

Judicial District in Denver. Ms. Lang will attempt to obtain a copy of his presentation regarding unemployment with the numbers requested by AG Laxalt.

Hon. Hickey reported that a possible issue could arise with veterans due to the federal status even though Medical Marijuana is legal in Nevada. They are unable to receive it from the Veteran's Administration.

Mr. Edwards explained that the Pharmacy Board has seen an uptick in pharmacy students being rejected because of a positive marijuana test. Possibly reflected in other medical fields as well?

8. Report regarding findings from the Nevada Dispensary Association Delegation Trip to Colorado. David Marlon.

Report to be presented at next meeting.

9. Report on the National Safety Council's "Prescription Nation 2016: Addressing America's Drug Epidemic. Linda Lang.

Linda Lang gave a presentation on the "Prescription Nation 2016: Addressing America's Drug Epidemic" from National Safety Council. This report gives a "report card" of all fifty states' policies and practices toward prescription drugs. Some of the information in the report is questioned by Ms. Lang, but the key indicators included in the report were topics of discussion at Governor's Summit. They included mandatory prescriber education, prescribing guidelines, and regulation of "pill mills." Nevada has two indicators, including P&P program, and report shows the program as weak. The report shows that those states that have moved toward enacting "indicators" show a corresponding reduction in the amount of opioid related deaths. These indicators are based on evidence-based strategies. The BDRs are complete but this report can give reference as to how to move forward. Link between prescriptions and heroin shows that this is less of a problem in Nevada than in others.

Report shows that abuse of Fentanyl is moving east to west across the states and Ms. Lang suggested the state should work to stay ahead of the problem. It is not yet a huge issue, but a proactive approach can help give the state a head-start. It takes several doses of Naloxone to overcome a Fentanyl overdose.

Dr. Woodard seconds what Ms. Lang reported regarding Fentanyl and commented that the state should work with law enforcement to get-ahead of the problem. Syndromic surveillance can be conducted utilizing law enforcement, and then emergency medical services can be advised of the drug presence and process to treat overdoses. AG Laxalt asks for any recommendations on how to bridge the gap between law enforcement and emergency medical services? Suggests education campaign may be appropriate at next law enforcement summit. Education awareness campaign to be worked on by Dr. Woodard and Ms. Lang and presented to group at next meeting in December, then possibly presented at summit in Las Vegas in March. Goal is to stay ahead of problem and be in "prevention field" and include Naloxone in presentation.

Agenda item at next meeting: Dr. Woodard and Ms. Lang to present on this topic at December meeting, then discuss presenting to the Law Enforcement Summit.

Mr. Jackson is supportive of education awareness and would like to see information shared with Emergency Medical Services regarding Fentanyl and Naloxone. Ms. Lang suggests finding and using a “point person” from emergency services to relay information to each group.

AG Laxalt asks for suggestions as to who to invite and how to include emergency medical services.

10. Discussion of legislative proposals by the working group. Wes Duncan, First Assistant Attorney General.

Wes Duncan gave a brief overview of legislative proposals and an update on BDRs put forward by the OAG. The bill came from ideas from the Working Group mirroring Wisconsin’s bill enacted in March 2016. The bill requires law enforcement officers to report to the Prescription Drug Monitoring Program contact with certain controlled substances and individuals in contact with those controlled substances. Law enforcement would need to report the name and date of birth of those suspected of an overdose, the name of individual filing report for stolen controlled substances, the prescriber, prescription number, prescription name, the law enforcement agency receiving the report. If the agency believes submitting any information would interfere with an ongoing investigation, they would not be required to report at that time.

AG Laxalt commented that he would like to review BDR language and that the Group needs to keep an eye on what is being presented and by whom, with special attention to the actions by the Governor’s office, in the upcoming legislative session. Any areas not covered could be reviewed again.

Mr. Jackson commented that P&P is the most important part of what the state can do but thinks the program is lacking prescriber participation. Proposal recommended that P&P be made mandatory in the state.

Mr. Edwards commented that pharmacies must report to P&P system and if any pharmacists are not compliant their license can be revoked. Suggested any prescriber looking to get licensed could be required to show proof of compliance with P&P program prior to issuance of license. The program could be used to audit and investigate prescribers as well as to educate. SB 459 improved use of P&P.

Hon. Hickey suggested that Wes could identify legislators willing to carry bills.

Ms. Lang commented that she doesn’t believe SB 459 requires mandatory use of program by prescribers. Mr. Edwards clarifies that there are some “carve outs” with the program and that doctors should not only be registered, but also be required to check the program prior to prescribing a controlled substance.

AG Laxalt asked if there are any ways to enforce prescriber use of P&P?

Mr. Edwards explained that prescriber’s licenses may be revoked; however, most of those who do not use the program do not do so maliciously, but need education on benefits of the program to reduce the number of those not signed up.

Mr. Jackson commented that use of P&P could reduce “doctor shopping” and show patterns of abuse in patients to prescribers. Mr. Jackson further commented that there may be wrongful-death suits against doctors who do not properly use the P&P program.

11. Discussion and possible action on incinerators and the formation of a working group studying incinerators in the state of Nevada. Wes Duncan, Assistant Attorney General.

Mr. Duncan reported on progress of getting the state its own incinerator system rather than contracting with Utah to export contraband. The project may be funded by state settlement funds. Mr. Duncan reported that the Carson City Sheriff’s Office does use their own incinerator and will research how the state can obtain an incinerator in compliance with laws. AG Laxalt asks for any input.

Jamie Ross, Southern Nevada Health District, has been working on an incinerator project and will contact Mr. Duncan to exchange information and discuss further. Mr. Duncan explained that the incinerator would need to be used for contraband and non-contraband items. Mr. AJ Dunlap asked for clarification on contraband vs. non-contraband. Mr. Duncan clarified that non-contraband would include drugs from prescription round-ups and contraband would be obtained from law enforcement. Wes Duncan will further research the incinerator project.

AG Laxalt commented that an agency would need to run the incinerator and possible agencies need to be designated. AG Laxalt suggested LVMPD could run the incinerator.

12. Public Comment.

AG Laxalt asked for any public comment.

In Carson City Catherine O’Mara, Nevada State Medical Association, suggested to Mr. Jackson that the Carson Douglas Medical Society could be a resource to him. The NSMA has taken a position against legalization of recreational marijuana. Ms. O’Mara reported that nationwide and in Nevada, the highest prescribers are primary care physicians trying to manage pain. Ms. O’Mara asks that the group keep in mind the pressures on doctors to help their patients with pain management. Ms. O’Mara reported the NSMA is supportive of the incinerator and suggested to consider compliance with public health laws and to use federal lands for location of incinerator.

No public comment from Las Vegas.

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13. Adjournment.

Request for motion to adjourn from AG Laxalt. Motion to adjourn by Linda Lang, seconded by Mr. Delap. Motion approved. Meeting adjourned at 11:40 a.m.