

Oregon Administrative Workgroup Meeting
Oregon Medical Marijuana Program
June 28, 2005
1:00 PM to 4:00 PM

Winema Training Center
4047 Winema Place NE
Salem, OR 97305-4404
Building 53, Room SDA 3

Meeting called to order by Grant Higginson at 1:05 PM

Introductions and Announcements

Introductions:

Grant Higginson welcomed the group and invited introductions and announcements.

Announcements:

1. Grant Higginson announced that Ron Prinslow would resign as the interim program manager and that we will begin recruitment for a new Program manager.
2. Todd Delotto announced that he is now teaching a class to patients. The Introduction and/or advanced Medical Marijuana Act class, is now being taught at Portland Community College in Portland and Umpqua Community College in Roseburg.

Agenda Additions:

- Questions to Rhea: Re-address defining a plant, immature vs. mature.
- VA physicians not necessarily registered in the State of Oregon.
- Caregiver notification.

Review of February 28, 2005 Minutes:

Caregiver notification: The question was asked why we have had no clarification regarding caregiver notification from Rhea Kessler of the AAG's office. Grant announced that Rhea is retiring and that Shannon O'Fallen will be taking her place.

Questions for Shannon:

1. Definition of an immature vs. mature plant.
2. Caregiver notification.

3. Caregiver being able to remove him/her self from a patients file.
4. VA physicians who are not licensed in the State.
5. Caregiver carrying more than 1 ounce away from the site.

Over the next couple of weeks, Grant will go over these questions with the AAG.

The Meeting Minutes from February 28, 2005 were approved.

Agenda Items

Caregiver notification:

Without further discussion, with the AAG, the program will not notify caregiver's that they have been removed.

Requests and suggestions:

- AAG to attend the workgroup meeting.
- Re-convene the caregiver notification sub-committee.
- Include a release for caregivers/ have access/notification on application for caregivers to be able to get information on their status as a caregiver.

Patient Education- Medical Marijuana Handbook

Patients should be educated beyond issues of growing. For example, patients should have access to information on how cannabis reacts with other drugs.

Suggestion:

- Post to OMMP website, publications such as: "The Essential Guide to Prescription Drugs" by James W. Long, MD pharm med.
- Have OMMP send a handbook to patients, along with their requested new/renewal application, that would explain a number of questions that patients frequently have, for which they do not have answers. Madeline Martinez brought a rough draft of a handbook for review. Grant Higginson will run it by the Department of Human Services (DHS) to see if publishing it is a possibility.
- Put together a sub-committee to develop a handbook.
- Place this handbook on the agenda, as a regular item, to be reviewed.
- Pam Salsbury to send a copy of the handbook, that Madeline Martinez has designed, to those who request it.

Annual Report:

Ron Prinslow has been working on an annual report; a few of the pages were given to the group to review. It is hopeful that the annual report will be posted on web by next meeting.

Policies and Procedures:

Approval process of policies and procedures will be created by OMMP staff and approved by the Manager; this is an ever-evolving issue.

Suggestions:

- Make policies available on the OMMP web site.
- Pam to send copies electronically to those that make the request via email.

All current policies have been approved.

Hiring New Program Manager:

Interviews will be conducted July 5th. We currently have 10 candidates. It will take about six-eight (6-8) weeks before a new manager comes on board assuming we have a good candidate for the job.

Current Processing Times and Graphs:

OMMP Work History Graph– Number of patients, May 2004 to May 2005, shows the number of new and renewal applicants and denials.

Questions Regarding Graph:

Question: Why were the number of denials so high in March of 2005?

Answer: The number of denials increased, because of process changes that allowed staff to clear out a backlog. The primary reason for denials is that patients send in incomplete applications.

Question: What purpose does a verification letter to the physician serve?

Answer: Verification letters have helped to catch patients forging physician documentation. In the past few months, physician verification letters have helped to catch at least ten (10) fraudulent attending physician statements, where the patient signed for the physician or altered the date of the document. Fraudulent applications may be turned into law enforcement, depending on the severity of the crime committed against the program. All fraudulent applicants are denied future application rights for a period of six (6) months.

Question: What is being done to keep patients from submitting documents just to be protected under the Oregon Medical Marijuana Act (OMMA)?

Answer: Per Rhea Kessler, AAG, in order to be protected under the OMMA, a patient must submit the application form and attending physician documentation.

In order to keep patients from continually submitting incomplete application's, to stay protected under the OMMA, a policy was put into place that allows OMMP staff to return

any documentation, to the patient, that did not qualify as an actual application. For example, a person who submits an application form, without the attending physician statement, would not be entered into the database and the form would be returned to the patient, with a letter, letting them know what is needed in order for them to become protected under the OMMA.

Question: What is the turn around time for applications?

Answer: Although more work needs to be done to confirm these numbers, we feel we are very close:

From May 1, 2005 to June 28, 2005

- from “creation” to “incomplete” – 3 days;
- from “creation” to the “verification process” – 5 days; and,
- from “creation” to cards issued – 23 days maximum*.

*The 23-day processing time includes the two-week period where the OMMP was not issuing cards due to the Supreme Court Ruling. *Per OAR 333-008-0030 (1) The Department shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days of receiving the fully completed application, including payment of the designated fee.*

OMMP will create a new policy that allows staff to use the date of birth, on the identification received with an application, in the event that the patient or caregiver left it blank on the form. This can only be done if current, valid identification is submitted with the application or current identification is in the patient’s file upon renewal.

OMMP Staffing:

Pam Salsbury talked about the limited duration Office Specialist 1 positions and how they negatively impact the program. Because they are limited duration, the program has a high turnover, typically every six (6) months, and when a staff member leaves, generally to accept a permanent position, we must wait thirty (30) days before we are permitted to fill the position. Grant Higginson talked about the proposed reorganization package that we have submitted to DHS Human Resources to allow for permanent, full time positions.

Law Enforcement (LE) Verification:

OMMP is ready to start LEDS verification, and is currently waiting for feedback from law enforcement as to where they are in their part of the process. Concern was expressed that OMMP may no longer have funds for the LEDS program, since the legislature removed the additional funds we had saved in our account. A question was asked regarding the cost of LEDS and what portion of the cost is our responsibility? Grant Higginson stated that there might be the possibility that Senator Morissette and others are looking at restoring some of our funds. According to the way Senate Bill 1085 is written, OMMP is required to provide 24/7 law enforcement verification. Multnomah County asked for a quick fix to law enforcement verification. It was determined, that the best answer may be in using Laptops, where the Office Manager/Program Manager would be

on-call during the weekends, and through a secure firewall, would be able to access the database and provide law enforcement verification at minimal cost. A vote was taken by a show of hands, 26:1, in support of a short-term, interim fix to the 24/7 verification, provided that it is cost effective and secure. A request was made for the LEDS budget to be available at the next meeting.

Supreme Court Ruling Update:

A handout was given to the group on the Supreme Court's ruling and the response from Oregon's Attorney General (AG) Hardy Myers. Concern was expressed regarding the loss of revenue during the two-week period that the program was not issuing cards. Because the program continued to receive and process applications very little if any revenue was lost. The group asked that we provide them with the legal expenses that the Supreme Court's ruling cost the program. Grant Higginson shall provide that information at the next meeting.

Financial Update:

The legislature requested a transfer of \$902,129 from the OMMP program to the general fund. It was requested that Christian Grorud send the group a revised financial projection for the next biennium. Grant Higginson will check with Chris Grorud to see if this is possible; if not, it will be available at the meeting after next. The group discussed the possibility of a fee increase within the year, instead of the projected date of January 2007, if deemed necessary by emergency ruling. No commitment was made not to change the fees prior to the next meeting.

New Web Address:

The OMMP's new web site address is www.healthoregon.org/mm and was given to the group. It was suggested that the program implement a website in Spanish. Pam told the group that we are in the process of getting our application forms in Spanish, but we have not received them. Audiocassettes of the statutes are available for the visually impaired.

Survey regarding Post Traumatic Stress Disorder (PTSD):

The program received an email from a researcher willing to pay us to send out a survey, to patients with PTSD, and inquire how PTSD is managed with medical marijuana. We sent a reply, asking for a list of the proposed questions that would be given to patients, but have not heard back yet. Grant Higginson suggested that the group decide, as a whole, what types of projects and what processes should be put in place when things like this come up. Grant Higginson also stated that we should contact the "Institutional Review Board" for DHS. The Board insures that any survey conducted, with the possibility of human subject implications, is legitimate and that appropriate questions are asked. The DHS Institutional Review Board would also make suggestions. It was also suggested, that surveys be put on the web site to control safety and security. Volunteers

to head up a committee to oversee surveys are: Todd Delotto, Madeline Martinez and John Sajo.

Since it was noted that this seems to run along the same lines as adding new conditions, the group decided it was a good thing, particularly if it means moving forward in an effort to add new conditions to the program's administrative rules. Someone asked when the next hearing would be held regarding the addition of new conditions. A survey and research documentation, conducted by/through the Compassion Center, regarding some sort of psychiatric condition, was given to Ron Prinslow. The group asked where this was in the process of being evaluated. Lee Berger quoted the statutes, which state: "Any request to add a new condition must be completed within six (6) months". The group was asked to get the survey back and resubmit the psychiatric benefit study in the form of a petition to add qualifying conditions, given there is new evidence that it would likely be considered. A group member asked if the panel would be reconvened? Grant Higginson said that he has asked some people, at the DHS Office of Mental Health and Addiction Services and the Department of Psychiatry at OHSU, to look at the information and to get back to him with their opinion. Once this information is received, an internal discussion can take place and the group can move forward from there. Grant Higginson is hopeful that he will have more information to share by the next work group meeting.

Defining a Plant vs. a Seedling:

Grant Higginson thought that Rhea Kessler, AAG had already determined that we did not have the authority to make that decision, however, he would ask Shannon O'Fallen for her opinion. It was decided that if Senate Bill 1085 passes that this would be a non-issue.

Other Issues:

Questions were brought up about the OMMP being a closed office. Concern was raised that OMMP should have a place where patients can come and talk about their medical conditions in confidence. Presently, the OMMP office is closed to patients, because of the limited amount of office space, the fact that files are out and in use, and because staff are talking to patients on the phone. A small area was created outside the cashier's office, a sort of high walled cubicle, where patients can be taken to discuss their applications. Once the OMMP moves to their new location something more permanent will be set up. The move is planned for September/October. A policy will be drafted stating that OMMP will address patient questions in the cubicle on the 2nd Floor of PSOB, near the Cashier's Office.

Senate Bill 1085:

Grant Higginson stated that Senate Bill 1085 should have a marginal fiscal impact on the program's resources. He also noted that a number of the things that the group talked about changing, legislatively, are covered in the bill. While the bill may not make everyone happy, there is something in it for everyone.

Grow Site:

The group would like to get clarification on the language used in 475.316 (1)(e). Can the patient and the caregiver have plants? This is confusing as the word “and” is used instead of “or” when referring to whom and where plants can be grown.

The next Administrative Work Group meeting is set for:

September 12, 2005
1:00 PM to 3:30 PM
Portland State Office Building
800 NE Oregon Street, Suite 120B
Portland OR 97232-2162

Meeting adjourned at 3:10 PM

Meeting minutes respectively submitted by:
Pamela Salisbury and Farm Saechao