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## Medical Marijuana Act Oversight Committee

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### *Meeting Minutes*

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Meeting Date: 12/06/2018

Meeting Location: DHSS, Herman Holloway Campus

Approval: 02/12/2019

Recorded By: Joseph F. Schlimer

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## Attendance

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### Committee Members

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Name	Title	Organization	Present
Vacant (committee chair)	Senator	State General Assembly	N
Vacant (committee co-chair)	Vacant	Vacant	N
Stephanie Bolden	Representative	State General Assembly	N
Karyl Rattay	Director	Division of Public Health	Y
Vacant	Patient Cardholder (SC)	Medical Marijuana Program	N
Vacant	Caregiver Cardholder (NCC)	Medical Marijuana Program	N
Thomas Shabazz	Patient Cardholder (KC)	Medical Marijuana Program	N
Jason Silversteen	Physician – Neurologist	Christiana Care	Y
Samuel Stubblefield	Physician – Pediatrician	Nemours	Y

### Guests

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Name	Title	Organization	Present
<i>Administrative Support for the Committee</i>			
Paul Hyland	Program Manager	Office of Medical Marijuana	Y
Joseph Schlimer	Management Analyst	Office of Medical Marijuana	Y
Joanna Suder	Attorney	Delaware Department of Justice	Y
<i>Public Guests with Meeting Comments</i>			
Laura Layfield Sharer	Patient	Medical Marijuana Program	Y
Erica Pukatsch	Employee	Canna Care Docs	Y
Jessica Andreavich	Guest	N/A	Y
Richard Jester	Patient	Medical Marijuana Program	Y
Cynthia Ferguson	Guest	Delaware NORML	Y

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## Call to Order

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The seventh meeting of Delaware's Medical Marijuana Act Oversight Committee was called to order by Dr. Karyl Rattay, Co-Chairman of the committee, at 5:10 PM on Thursday December 6, 2018, in the chapel of the Herman M. Holloway, Sr. Health and Social Services campus, located at 1901 N. DuPont Hwy, New Castle, DE 19720.

Three of the 9 appointed committee members were present, not establishing a quorum. The meeting was audio-recorded for preparation of the minutes by Joseph Schlimer. (<http://dhss.delaware.gov/dhss/dph/hsp/medmarocmtg.html>) .

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## Agenda

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### Welcome / Chairman's Comments

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#### *Dr. Karyl Rattay, Co-Chairman*

Co-Chairman Rattay welcomed the committee members and guests. Dr. Rattay explained to the guest and present committee members that Senator Henry has retired and two committee members have resigned. We will be voting on committee positions and approving the meeting minutes during the next meeting in February due to not having a quorum this evening.

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### Discussion/Approval of Minutes from October 10, 2017 and February 13, 2018 meeting

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#### *Dr. Karyl Rattay, Co-Chairman*

- No quorum was established therefore the minutes from the October 10, 2017 and February 13, 2018 meetings were not approved.

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### Program Update (Committee introduction, center update, proposed fee schedule)

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#### *Paul Hyland – Program Manager*

- Paul Hyland explained that we will not be introducing any new committee members tonight due to the fact that Libby Cusack and Pearl Golden have resigned their positions and we do have approved nominations for the two positions.
- Mr. Hyland stated he had just visited CCRI which is the new compassion in Newark. CCRI was to open in the summer but had numerous construction delays to include an issue with the fire suppression system. Mr. Hyland further related that they are progressing well and have completed 3 harvests and should be coming to market soon. Mr. Hyland also stated that CCRI is currently working on their lab to make concentrates and believes that they will be coming to market with just flower when they first open.
- Mr. Hyland briefed the committee on a study which he conducted in reference to a different application fee schedule in an attempt to reduce card costs. Mr. Hyland compared numerous other states and found most do not have a low-income program, just a flat fee for their cards. Mr. Hyland further related he is currently working on numerous different proposals and will make a recommendation to the committee during the meeting.

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### Program Update (IT Enterprise Solution for MMP and Annual Report)

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#### *Joseph Schlimer – Management Analyst*

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- Mr. Schlimer discussed the progress with the new IT Solution. Mr. Schlimer stated we have hit our one-year anniversary utilizing the BioTrack System and could not be happier. When we first started we had approximately 3,500 patients and took about a month to process cards. We had a 46% increase in patients and have drastically reduced the processing time and eased the

process workflow. Mr. Schlimer further related that we are working on increasing online application submissions but currently only have approximately 35 physicians registered to participate in the online certifications.

- Mr. Schlimer stated that the compassion centers were having an issue updating ID cards but BioTrack was very good taking care of the issue in a timely manner. Mr. Schlimer further relayed that the system allows registered card holders to check on their allowable limits in real time and also allows patients to make purchases at any compassion center in the state.
- Dr. Silversteen ask Mr. Schlimer to walk through the process for a physician to complete an application. Mr. Schlimer stated the physician must first register in the system to participate. Once registered, the physician's patient would complete an application online adding the physician's information and then clicking submit. Once submitted the physician would receive an email prompting them to complete the physician certification for the patient. Once complete, the physician would click submit which would send the application to the program for review and approval. Mr. Schlimer also stated that the web page has a manual available for physicians which walks them through the entire process.
- Mr. Schlimer stated the medical marijuana program annual report for Fiscal Year 2018 has been completed and posted on the web page. Mr. Schlimer discussed some of the highlights of the report which include a 46% increase in applications received for FY 18. Mr. Schlimer went on to say that New Castle County has the majority of the patients with 58%, followed by Sussex County with 25%, and Kent with 17%. The same held true for the participating physicians with New Castle County at 65%, Sussex County at 21%, and Kent County at 14%. Mr. Schlimer stated the debilitating conditions for FY 18 were in line with previous years numbers with severe pain as the most diagnosed followed by muscle spasms, cancer, and PTSD.

## Old Business

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### *Paul Hyland-Program Manager*

- Ms. Golden had put together a roster of schools and educational opportunities which she was going to present to the committee but unfortunately resigned prior to the meeting. Paul Hyland explained to the committee that we just received the information on the opportunities to obtain cannabis education and certifications from Ms. Golden and will vet the information and post it on the Office of Medical Marijuana web page.

## Legislative Updates

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### *Paul Hyland-Program Manager*

- Mr. Hyland briefed the committee on new legislation involving the medical marijuana program. Mr. Hyland stated two pieces of legislation was passed, House Bill #374 as amended by House Amendment #1, which added glaucoma and chronic debilitating migraines to the current list of debilitating medical conditions, and House Bill #210, which allows pediatric patients the same petition process to have their condition considered as that allowed for adults.

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## Public Comments

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### *Dr. Karyl Rattay, Co-Chairman*

- Richard Jester stated he had recently submitted a petition for Opiate use disorder. He responded to the previous medical review and published an update with 28 studies and 25 pages with recent evidence on the subject and feels he has addressed any concerns on the subject. Mr. Jester then stated the legal dispensaries in the state are a waste of time. He has gone to First State Compassion Center 5-6 times a month for the past 8-9 months and has never has more than three strains of any size spending \$16.00 per gram which amounts to \$480.00 per week. Mr. Jester further related if the state cannot open more dispensaries, patients need to be able to grow their own.
- Laura Layfield Sharer commented about the compassion center and lack of low cost programs. The costs of medicine is too high and only available in small increments. Ms. Layfield stated New York has introduced a Bill which will allow patients to purchase medicine through the state Medicaid program and we should look into doing the same.
- Laura Layfield Sharer asked what the process is for patients to file a grievance against the compassion centers and why are compassion centers allowed to refuse service to sick patients. Ms. Layfield also stated she works with Delaware Norml and receives numerous complaints from patients. Ms. Layfield says she feels bullied at FSCC who is not up to capacity.
- Laura Layfield Sharer further related that the patients need more information about their medicine and wants the exact profiles of what we are consuming posted.
- Paul Hyland responded to the concern and stated FSCC is a private company and has the right to choose not to serve someone based on their Good Neighbor Agreement. Mr. Hyland stated approximately 75% of complaints are about lack of availability and lack of selection. These issues should be addressed with the opening of the two other centers. Mr. Hyland stated in reference to the profiles, the information is available and FSCC could post the information on their web page. Complaints are received by our office and the investigators complete a report. This type of information is used when reviewing whether or not a center gets their license renewed.
- Cynthia Ferguson stated she is the Executive Director for Delaware Norml and she receives numerous complaints about FSCC on a daily basis. Ms. Ferguson asked if the centers have contracts and does that contract state that they have to provide medicine to patients. Ms. Ferguson would also like to see what they are required to provide in the contract. Ms. Ferguson relayed she wants to become a patient just so she can see firsthand what is going on. Ms. Ferguson also wanted to know why FSCC is refusing service to patients and she does not feel that FSCC is doing what they are contracted to do.
- Jessica Andreavich stated she is no longer a card holder of the program but her physician of 20 years still recommends it. Ms. Andreavich stated she carries a paper from her doctor in her purse in case she gets pulled over in hopes that it will give her protection. Ms. Andreavich further stated she continues to advocate the use of the program and wants to make sure that everyone is aware of how important this medications is to the people who are very sick. Ms. Andreavich also stated that the cost is extremely expensive and that is why home grows are necessary.
- Erica Pukatsch asked what training is the program looking at for staff in reference to Cannabis and stated Pennsylvania has some training opportunities. Ms. Pukatsch also asked if the state software/BioTrack is able to be used on a tablet or phone.

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## Closing Comments

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### *Dr. Karyl Rattay, Co-Chairman*

Chairman Rattay thanked the committee members, and especially the public, for attending.

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## Next Meeting

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***Dr. Karyl Rattay, Co- Chairman***

- Next meeting scheduled for February 12, 2019 at 5:00pm at this same location.

**Adjournment**

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Meeting End: **6:00 PM**

**Decisions Made**

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There were not enough committee members present to establish a quorum.