

Medical Cannabis Program Medical Advisory Board

Meeting Minutes

December 10, 2019

<i>Members</i> <input checked="" type="checkbox"/> = <i>Present</i>					
<input checked="" type="checkbox"/> Dr. Rachel Goodman	<input checked="" type="checkbox"/> Dr. Corazza	X Dr. Chris Calder	X Ms. Ariele Bauer	<input type="checkbox"/> Vacant	
<input checked="" type="checkbox"/> Dr. Laura Brown	<input type="checkbox"/> Dr. David Woog	X Dr. Annette Campbell- Fontaine		<input type="checkbox"/> Vacant	

Venue: Harold Runnels Building Auditorium 1190 St. Francis Drive Santa Fe, NM
Call to Order: Dr. Laura Brown, Chair 10:10 a.m.

	<i>TOPIC</i>	<i>DISCUSSION</i>	
A	WELCOME AND CALL TO ORDER	<p>General Introductions of Board Members. Dr, Laura Brown present in person. Dr. Calder, Dr. Goodman, Dr. Campbell-Fontaine, Mr. Kenneth Corazza, and Ms. Ariele Bauer attended via telephone.</p> <p>Chair Dr. Brown, reviewed agenda</p> <p>Staff present from the Department of Health: Dominick Zurlo MCP Program Director, Andrea Sundberg Medical Cannabis Program, Martinik Gonzales Medical Cannabis Program, Matthew Peralta Medical Cannabis Program, Joshua Wilson MCP,</p> <p>Dr. Zurlo commented that MCP continues to work with Governor’s Office to get member count to nine members. This will help ensure quorum of five at every meeting.</p>	
B	Action of the Secretary of Health on Previously Submitted MCAB		
		<p>Secretary Kunkel has issued a decision on recommendations made at the Medical Advisory Board Meeting on March 19, 2019.</p> <p>Secretary Kunkel has added Autism Spectrum Disorder, Alzheimer’s Disease, Opioid Use Disorder as qualifying conditions. In addition, Secretary Kunkel did not adopt the recommendation to add Neurological Disorder and Neuroprotective Factors as a qualifying condition; however, Secretary Kunkel did add Friedreich’s Ataxia, Lewy Body Disease, and Spinal Muscular Atrophy as qualifying conditions.</p>	No Vote

C	Medical Cannabis Advisory Board Meeting															
	<p>There was a discussion about scheduling of meetings and the importance of attendance. Dr. Goodman stated Wednesdays and Fridays are good for her and Dr. Campbell-Fontaine stated Fridays work best for her schedule.</p> <p>After some discussion the next meeting was set for May 01, 2020 at 9:00 a.m.</p>	No Vote														
D	Program Update															
	<p>Dr. Zurlo provided an update on the program highlighting the increase in enrollment. In November 2016 there were 26907 active enrollees, that number has increased to 78810 in November 2019. The program recently added conditions and highlighted the number enrolled under those conditions: Alzheimer's Disease 21, Opioid Use Disorder 120, and Autism 40.</p> <p>In addition, the numbers of plants being grown and the number of locations where distribution is occurring has increased. The program has increased from 22 Dispensaries in 2016 to 104 locations in 2019. This is an increase of 78% in locations in three years. In addition, plant count has increased to allow 1750 for each LNPP.</p>	No Vote														
E	Proposed Rule Changes to allow Reciprocity															
	<p>Dr. Zurlo informed the MCAB members that SB 406 which passed in 2019 included a provision to allow for reciprocity. This would allow people that can demonstrate they are enrolled in the medical cannabis program of another State to purchase from New Mexico Licensed producers.</p> <p>Reciprocal participants would have the same purchase limit as those enrolled in the New Mexico Medical Cannabis Program which is eight ounces over the course of 90 days. The Department of Health feels that since this is for medical use all patients should have access to the same amount of product.</p>	<table border="0"> <tr> <td>Dr. Laura Brown</td> <td>Yes</td> </tr> <tr> <td>Dr. Rachel Goodman</td> <td>Yes</td> </tr> <tr> <td>Dr. Annette Campbell-Fontaine</td> <td>Yes</td> </tr> <tr> <td>Dr. Chris Calder</td> <td>Yes</td> </tr> <tr> <td>Dr. David Woog</td> <td>N/A</td> </tr> <tr> <td>Ms. Ariele Bauers</td> <td>Yes</td> </tr> <tr> <td>Mr. Kenneth Corazza</td> <td>Yes</td> </tr> </table>	Dr. Laura Brown	Yes	Dr. Rachel Goodman	Yes	Dr. Annette Campbell-Fontaine	Yes	Dr. Chris Calder	Yes	Dr. David Woog	N/A	Ms. Ariele Bauers	Yes	Mr. Kenneth Corazza	Yes
Dr. Laura Brown	Yes															
Dr. Rachel Goodman	Yes															
Dr. Annette Campbell-Fontaine	Yes															
Dr. Chris Calder	Yes															
Dr. David Woog	N/A															
Ms. Ariele Bauers	Yes															
Mr. Kenneth Corazza	Yes															

	<p>The department held the first public hearing on this issue on November 22, 2019 and a second hearing is scheduled on January 16, 2019 at 9:00 a.m.</p> <p>The Department is now seeking the opinion of the Medical Advisory Board to allowing the same amount as qualified patients.</p> <p>Mr. Kenneth Corazza, Dr. Campbell-Fontaine and Dr. Goodman all indicated they support the eight-ounce limit for all reciprocal participants.</p> <p>Chris Woodward, stated a vote should be taken to accept this recommendation or deny.</p> <p>Dr. Brown asked if there will be any other changes to this prior to public hearing.</p> <p>Dr. Zurlo commented if there were any changes it would be brought back the MCAB for a discussion and vote.</p> <p>Dr. Goodman motioned to accept recommendation of eight-ounces over the course of 90 days.</p> <p>Mr. Kenneth Corazza seconded</p> <p>No objection, motion passed 6-0</p>		
		<p>Motion passes 6-0 to approve eight-ounce limit for reciprocal patients over the course of 90 days.</p>	
F	<p>Petition 2019-006 Expand Qualifying Conditions to allow Medical Provider to determine</p>		
	<p>Petitioner was present and spoke. Matt Fogel is a registered nurse and nurse practitioner and would like to see this added to broaden treatment options. Mr. Fogel believes this will empower patient and provider and will allow treatment with fewer side effects.</p> <p>Dr. Brown commented this would require a change to the Lynn and Erin Compassionate Use Act.</p>	<p>Dr. Laura Brown Dr. Rachel Goodman Dr. Annette Campbell-Fontaine</p>	<p>Yes Yes Yes</p>

	<p>Chris Woodward confirmed this would require a change in law. And the Department does not control content of statutes which controls DOH rules. This petition would require a change in law prior to changes in rule. The MCASB could suggest the Secretary seek a change to LECUA to allow medical providers to determine if a person should use cannabis for treatment of a diagnosis.</p> <p>Dr. Brown commented that the MCAB has expressed support for this kind of issue on the past and appreciated the petitioners reference to health outcomes and empowerment of patients and providers.</p> <p>Dr. Brown motioned to support this issue going forward and to open discretion to providers to recommend enrollment for medical provider determined conditions.</p> <p>Mr. Kenneth Corazza seconded</p> <p>No objections</p> <p>Motion passes 6-0</p>	<p>Dr. Chris Calder Dr. David Woog Ms. Ariele Bauers Mr. Kenneth Corazza</p>	<p>Yes N/A Yes Yes</p>
		<p><u>Motion Passes 6-0 to recommend Secretary Kunkel seek a change in LECUA to allow medical providers to recommend enrollment for any condition recommended by medical provider.</u></p>	
G	<p>Petition 2019-007 to Ensure Equity in ownership of Licensed Producers.</p>		

<p>Dr. Terrence Jones, the petitioner, was present and stated he presented this petition because he feels that veterans and people of color have not been able to open locations due to limitations of costs. Dr. Jones commented we are a poor state and the cost of applying is prohibitive to many especially Veterans and people of color.</p> <p>Dr. Brown commented that increasing cultural representation especially as a determining factor of health outcomes is a hot topic right now. Dr. Brown feels that this issue directly relates to adequate supply especially in rural areas and is an issue discussed with the Task Force last year.</p> <p>Dr. Brown further asked people to consider the concept of poverty as a medical condition because we know that income levels impact health outcomes and health care. Would the change require a change to the LECUA?</p> <p>Chris Woodward, DOH Asst. General Counsel, asked for clarification is petition is to add poverty as a condition or is it to make changes to increase cultural representation in the ownership of licensed producers.</p> <p>Dr. Terrence Jones stated the petition is to recognize diversity and ensure everybody has opportunity to improve lives.</p> <p>Dr. Brown asked if MCAB would like to address one issue or both issues.</p> <p>Dr. Campbell-Fontaine asked whether a person who is lower income or ethnic background is having problems accessing? Is it the intent of the petition to improve access to product or to growing/selling?</p> <p>Dr. Brown commented that the ownership of dispensaries should reflect diversity of State and at this point it does not.</p> <p>Dr. Campbell-Fontaine commented if one is poor and cannot purchase product, she is unsure how have accessing would improve condition if they could not afford product.</p> <p>Dr. Brown commented that studies have repeatedly shown that poverty impacts health outcomes.</p> <p>Dr. Goodman commented that these are both important issues and she is unsure how to go about addressing the issue, perhaps we could modify process to streamline to provide subsidies for application process.</p> <p>Dr. Brown stated she is unsure of current process for licensure.</p>	<p>Dr. Laura Brown Dr. Rachel Goodman Dr. Annette Fontaine Dr. Chris Calder Dr. David Woog Ms. Arielle Bauers Mr. Kenneth Corazza</p> <p>Motion passes 5-0 to table</p>	<p><u>Yea</u> <u>Yea</u> <u>Yea</u> <u>Yes</u> <u>N/A</u> <u>N/A</u> <u>Yes</u></p>
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Dr. Zurlo commented it is important to note that individuals do not own license it is a non-profit. Non-profits must adhere to New Mexico non-profit board requirements. The boards can be a system to ensure that board membership represents population and diversity.

Dr. Brown made motion to support of increasing diversity of Boards.

Monique Chavez commented California is using system and it has created more tokenism than true representation.

Dr. Brown offered the possibility of subsidies.

Monique Chavez stated she felt fees just needed to be reduced.

Nicholas Montoya suggested we could open licensure to smaller grows and reduce fees for those grows.

Tara (____) stated low income cannot afford product and she would like to see grows be subsidized to allow for co-ops with living facilities and grow.

Josh McCurdy stated that affordability and accessibility are major issues and we need collectives and improve rural access. Mr. McCurdy stated with all the management agreements there are only about 12 actual owners.

Dr. Brown recommended looking into micro-licenses, smaller farms, which would improve quality and create competition.

Chad Lozano stated that licenses should be opened and make them private businesses not non-profits.

Chris Woodward – current regulation and law allow agency to create licenses.

Chad Lozano – patients in Southern New Mexico have limited choices and the State should allow for third party vendors that could purchase product and sell at licensed locations. Also believe consumption areas should not be limited to currently licensed producers only.

Erica Rowland commented that the current process of requiring agencies to be non-profits enabled the agency to remove her from the Board when she brought up concerns about money laundering and other issues.

	<p>Nicholas Montoya commented that in other States everything is in regulations and unsure why that cannot happen here.</p> <p>Dr. Brown commented that the current regulations are based on law and encourages everybody to reach out to their legislators for changes.</p> <p>Dr. Goodman motion to support better access and more diverse representation of ownership</p> <p>Dr. Brown clarified that motion would be to support all efforts to increase cultural and popular representation.</p> <p>Dr. Terrence Jones asked is it was possible to expand that motion to include veterans and diversity of ownership.</p> <p>Dr. Brown – felt motion should be a motion to support all initiatives and programs that would increase diversity of ownership and include Veterans as owners as well as other minority owners. Also suggested we could table to investigate what other States are doing.</p> <p>Dr. Goodman – suggested tabling to learn what California and other States have done to address this issue.</p> <p>Dr. Campbell-Fontaine felt motion is broad but would support making poverty a condition.</p> <p>Mr. Corazza felt he could support the issue but feels changes would need to make in statute.</p> <p>Dr. Brown agrees and eager to see I anything comes up.</p> <p>Petition tabled</p>		
<p>H Petition 2019-008 ADD/ADHD and Tourette's</p>			

	At this point quorum was lost. All petitions not heard would be scheduled for next meeting.		
I	Public Comment		
J	Next Meeting Date	May 01, 2020	

Andrea Sundberg, Health Program Manager

Dr. Laura Brown, Chair

Signed: Laura Brown, MD, MPH 5/31/20