

# Meeting

MINUTES SEPTEMBER 13, 2010

10:00 AM – 2:30 PM

PORTLAND STATE  
OFFICE BUILDING  
ROOM 1A  
800 NE OREGON ST  
PORTLAND, OR  
97232

<b>MEETING CALLED BY</b>	Jim Klahr, ACMM Chair
<b>TYPE OF MEETING</b>	The Oregon Medical Marijuana Program (OMMP) Advisory Committee on Medical Marijuana (ACMM) provides an opportunity for public to discuss administrative issues with the OMMP management.
<b>NOTE TAKER</b>	Roni Scott, OMMP
<b>TIMEKEEPER</b>	Jim Klahr, ACMM Chair
<b>MEETING CALLED TO ORDER</b>	<b>10:00 AM</b>
<b>ATTENDEES</b>	<b>ACMM:</b> Alice Ivany, Arthur Witkowski, Brian Michaels, Christine McGarvin, Dr. Alan Cohn, Jim Klahr, Laird Funk, Sandee Burbank, Stormy Ray, Todd Dalotto and Dr. Gerry Lehrberger. <b>OMMP Staff:</b> Tawana Nichols, Annette Johnston, Aaron Cossel, Roni Scott, Chris Grorud and Dr. Grant Higginson.
<b>PRESENT AS LISTED ON THE SIGN-IN SHEET</b>	Michael McGinnis, Jaime Angel, Ellen Adams, Jerry Wade, Cheryl Smith, Scott Seivert, Tom Bennett, DJ Bennett, Richard Doughty, Albert Vandehey, Kristen Gustafson, David Syrop, Sarah Bennett, Kay Dickerson, Al Nehl and Peter Kraymer.

## Agenda topics

### REVIEW OF JUNE 7, 2010 MEETING MINUTES

ACMM CHAIR

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
Motion by Ms. McGarvin to accept minutes with corrections. Second by Ms. Ivany. Add Horticulture update under Subcommittee and Other Reports. Change context of Dr. Cohn's statement regarding OMMP failing to apologize for providing false information under Subcommittee and Other Reports.	Ms. McGarvin	Motion passed unanimously.

### ADMINISTRATIVE REPORTS

DHS ADMINISTRATION

DISCUSSION
<p><b>Staff</b> – The program currently has twenty two permanent employees and five temporary employees, which gives us a total of twenty seven. Since the last meeting we have hired five employees.</p> <p><b>Statistics</b> – The OMMP currently has 45,123 patients, an increase of 5,622 since June. The number of patients with a caregiver is 23,431 which is an increase of 3,092 since June. Current physicians who have recommended patients for the OMMP is 3,518 which is an increase of 109 since June. A list of unique growers broken down by county was e-mailed to the committee members, as requested by committee members during the June meeting.</p> <p><b>Budget</b> – Mr. Grorud provided an overview of the financial statement. Column C is the twenty four month biennial projection. Column B is the actual revenue and expenditures through August 31st and the cash balance as of that date is \$381,178. Column A is through May and was \$269,354. Any higher costs are for the attorney general for the rule making process, the office space remodel, adding cameras, one window, an additional office space, and new computers for new staff. Cash receipts for June hit a record of approximately \$242,000. The numbers are tracked in terms of patients that had paid, which was 3,700. For the last twelve months, approximately 39% of patients are paying the \$20 fee with the remainder 61% paying the \$100 fee. It is not projected that the program is stable enough for fee decreases. A safe level for a three month operating cost is approximately \$430,000. He stated it's possible that we'll hit that level in the next twelve months. Legislative</p>

action to use the cash balance was discussed. In the past, we were asked for our cash balances to help with the current biennium financial difficulties. It isn't imminent but the possibility is still there. In 2009 the cash balance was taken to help the state general fund.

#### CONCLUSIONS

- The OMMP currently has twenty two permanent employees and five temporary employees, total of twenty seven.
- OMMP currently has 45,123 patients. The number of patients with a caregiver is 23,431. Current physicians who have recommended patients for the medical marijuana program is 3,513. A list of unique growers broken down by county was e-mailed to the ACMM members.
- The cash balance of August 31<sup>st</sup> is \$381,178. The ideal balance for a three month operating cost is approximately \$430,000.
- It currently takes approximately 18 days for applications to be entered in the database. Cards are issued at approximately 50 to 60 days and change request are entered within 5 days.

**RUSSELL HARGRAVE**  
**NANCY GRENGS**  
**TAWANA NICHOLS**  
**ANNETTE JOHNSTON**

#### DIALOGUE BETWEEN ACMM AND ADMINISTRATION

#### DISCUSSION

**New Database Presentation & Update** - Mr. Hargrave discussed the new database. The old system technology is very difficult to support, requires many work-arounds, has an increasing problem with duplicate records, requires manual effort to respond to law enforcement, needs foundation that can support online processing, and needs to be re-engineered to handle an increase in volume. There is nothing in the current system to uniquely identify participants or addresses which makes it difficult for staff to answer law enforcement inquiries. Features of the new system include: faster processing time, reduced risk of breached security, capability to use Oregon ID to uniquely identify individuals, more rapid response to law enforcement inquiries, improved efficiency and quality, scalable capacity tailored to meet changing business needs, web based application processing and data foundation for research queries, analysis and reporting. The missing information letter is more targeted and easier to understand. Testing and migration will be in December 2010. Clean-up and migration will be in January 2011. Program acceptance and business transition will be in February 2011. In March 2011 they new system will go into production with all historical data. The cost to implement is between a half million and one million dollars. The Microsoft Share Point platform was used as the starting point. Confidentiality would be maintained and wouldn't allow more visibility to law enforcement. Using Oregon Driver's License numbers as a unique identifier and OMMP assigning internal numbers was discussed. Revoking cards when there is a conviction was discussed.

**Managing Withdrawal Request from Caregiver s and Growers** – Ms. Nichols discussed how to manage withdrawal requests received by caregivers and growers. Part of the new database would automatically remove them. Currently, if a caregiver or grower calls in that no longer wants to grow or caregive for a patient, the patient still has the responsibility to remove them. Ms. Nichols asked the ACMM how to handle this with the new system. Ms. McGarvin discussed growers being removed without being notified, recommended a review committee be formed and stated too many complaints are coming in that aren't able to be addressed because there isn't a current complaint review process. Ms. Burbank discussed forming a temporary subcommittee to work on these issues. Mr. Klahr stated if anyone is interested in participating leave their contact information with him.

**Managing Change Requests** – Mr. Cossel discussed change notification. The rule states patients have thirty days to legally make changes. Requiring a patient to register a grow site was discussed. OMMP will further discuss grow site registration with legal counsel.

**OAR Changes & Status** – A public hearing was held July 30<sup>th</sup> for amended administrative rules to clearly define an immature plant, establish a fee for replacement cards, and include procedures to verify compliance for attending physicians with over 450 OMMP patients. The final OAR was filed with the Secretary of State and the effective date is September 10, 2010. The OMMP also made a temporary amendment to OAR 333-008-0020, which requires a permanent rule change, to clarify acceptable identification and the current policy to not accept faxed application or change request forms. A public hearing will be in October or November. The ACMM will be notified when it is scheduled. A notice will be sent to public health interested parties, legislators, program specific parties, main clinics throughout the state and law enforcement.

Clarification on the language regarding SSI was requested. Ms. Nichols will clarify with legal counsel.

Mr. Klahr discussed holding an emergency meeting for if the new law (Ballot Measure 74) passes. It would be held on November 15<sup>th</sup> in Salem.

**OMMP Handbook Update** – The first draft of the handbook was sent to the ACMM for review. Once comments are received, Ms. Nichols will share them with the writer/editor in the Office of Communication Resources.

**Changes to Application Packet/Application** – The application packet has been updated. The cover page has new language regarding Oregon medical marijuana cards only protecting cardholders within the State of Oregon, applicants submitting current and valid copies of Oregon DMV issued ID will have their applications processed more quickly. The Basic Fact sheet number 3 has been changed. The FAQs number thirteen has been revised. The application and change form instructions were changed to say “a clear, legible and valid copy of a US government issued photographic identification card that includes last name, first name and date of birth.” On the application itself, a line has been added for patients to provide their Oregon Driver License or Oregon Identification Card number. A section has been added for patients and growers to state if they’ve registered before; if a person was to renew, the new database would populate their information. Ms. Burbank stated hardship extension information should be added to the application packet.

**OMMP Seminar** – Ms. Johnston spoke on the OMMP Seminar. Oregon Health Authority (OHA) is looking at our transformation process to save time and money. OMMP is putting together a seminar for doctor’s offices, clinics, and office managers to educate on how to expedite the process. There is not a proposed date and approval is needed. There were suggestions made regarding the seminar being available by video, dvd, or online as a webinar. Ms. Nichols stated ACMM members are welcome to tour the OMMP office.

**Revision of Bylaws** – The revision of bylaws was discussed. Ms. McGarvin requested an editorial change clarifying what a subcommittee is. She provided an overview of the revised language: Only ACMM members in a Subcommittee meeting may submit travel expenses for reimbursement by the OMMP when: The specified subcommittee meeting has an agenda, list of attendees and has been approved by the Chair of the ACMM and submitted to the OMMP; The subcommittee is meeting for business purposes only, travel reimbursement is not intended for subcommittee meetings that include public education or public advocacy sessions; Each subcommittee is allowed only four meetings per year that may qualify for travel expense reimbursement.

**Schedule Next Meeting** – The next ACMM meeting will be held on Monday, December 13<sup>th</sup> in Salem.

**CONCLUSIONS**

- The final OAR for immature plant definition, replacement card fee and physicians with over 450 OMMP patients is in effect as of September 10, 2010. The rules coordinator will submit the temporary amendment for permanent to clarify acceptable identification and fax policy to the Secretary of State on October 15, 2010.
- The next ACMM meeting was tentatively scheduled for Monday, December 13<sup>th</sup> in Salem.

**ACTION ITEMS**

Motion by Ms. Burbank for a temporary subcommittee to work on the issue of caregivers and growers who wish to be removed from a patient file. Second by Mr. Funk.

PERSON RESPONSIBLE	OUTCOME
Ms. Burbank	Motion passed unanimously.
Mr. Funk	Motion passed unanimously.

Motion by Mr. Funk for changes to bylaws be incorporated into bylaws. Second by Mr. Klahr.

**MEETING ADJOURNED FOR LUNCH: 12:10 PM**

**MEETING CALLED TO ORDER: 1:15 PM**

**SUBCOMMITTEE AND OTHER REPORTS**

**BRIAN MICHAELS  
JIM KLAHR**

**DISCUSSION**

**Measure 74, Legislative Inquiries, OARs** – Mr. Michaels discussed revised panel selection criteria for OAR 333-008-0090. He provided an overview of the new criteria which states the following: All members on the panel to add qualifying conditions must have demonstrated in their professional field recognition of the therapeutic qualities of cannabis. Only those members who have demonstrated recognition of the therapeutic qualities of cannabis who are serving on the panel when new membership is considered will be responsible for selecting any new members by a majority vote. An overview of examples of evidence demonstrating recognition of the therapeutic qualities was given.

<b>CONCLUSIONS</b>		
<ul style="list-style-type: none"> <li>The tentative date for the extraordinary meeting will be held in Salem on November 15<sup>th</sup> from 10 am - 2 pm.</li> </ul>		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>OUTCOME</b>
Motion by Mr. Funk to hold an extraordinary meeting contingent upon Measure 74 being passed. Second by Dr. Cohn.	Mr. Funk	Motion passed unanimously.

**CHRISTINE MCGARVIN  
TODD DALATO**

**OUTREACH COMMITTEE**

<b>DISCUSSION</b>		
<p><b>Outreach Committee</b> – A letter to assisted living facilities and a sample policy/procedure for how the facility may integrate OMMP cardholders in their facility has been completed. Mr. McGarvin thanked Clifford Spencer for his work. Sending the letter and sample to all assisted living facilities and funding for distribution was discussed. Mr. Klahr stated the letter and sample could be attached to the facilities’ annual licensing packet.</p> <p>The Outreach Committee produced a document called “Facts Relating to Cannabis and Crime” that directly refutes many of the statements repeatedly made by law enforcement officers throughout Oregon. The committee will continue to send letters to members of law enforcement requesting they substantiate their claims with actual data. They are still interested in obtaining logs, reports or other records showing law enforcement requests for information on OMMP cardholders.</p> <p>The OMMP Power Point presentation has been updated with July 1, 2010 statistics and is available for viewing at <a href="http://vimeo.com/1184997">http://vimeo.com/1184997</a>. The password is ACMMOMMP. The committee requests for the OMMP to post the weblink and password on their website as soon as possible.</p> <p>The ACMM and OMMP approved the Citizen Fact Sheet. The Outreach Committee requests for it to be posted to the OMMP website.</p> <p>Ms. McGarvin discussed letters sent. A letter of requesting 2009 investigations, arrests and conviction statistics, and an invitation was sent to Portland Police Bureau Chief Mike Reese. A second letter was sent to Lieutenant Erik Fisher requesting him to provide the committee with 2009 investigations, investigations, and conviction statistics. Letters were sent to Bracken McKey, Katie Suver, Jerry Moore, Detective Dave White, Mike Dingeman, and Rob Bovett requesting data supporting the testimony they gave to the Oregon Board of Pharmacy in August 2009. Courtesy copies went to each supervisor and the Attorney General. Copies of “Facts Relating to Cannabis and Crime” were included.</p> <p>The committee received a response from Sergeant John Koch, stating that there were a total of twenty-eight investigations, sixteen arrests and eight convictions made by the Washington County Sheriff’s Office Westside Interagency Narcotics Team (WIN) during all of 2009.</p> <p><b>Horticulture and Testing</b> – Mr. Dalotto discussed a June 3<sup>rd</sup> press release by Advanced Nutrients. Don Wolf, Fertilizer Program Specialist of the Oregon Department of Agriculture responded that no hydroponic nutrient company has requested Oregon to evaluate their products and that the Department has not evaluated the effectiveness or safety of any product for the production of medical marijuana. The press release appears to be misleading publicity material.</p> <p>Mr. Dalotto stated he drafted legislative proposal for the Oregon Medical Cannabis Act of 2011. The current statutory limits under the OMMA are unnecessarily restrictive; there is a great need for medical, pharmacological, and horticultural understanding as well as a great need for genetic improvement. The Oregon Medical Cannabis Research Act (OMCRA) is being drafted to work with Ballot Measure 74. A second draft will be completed this week. The third draft will represent input from academic leaders and medical researchers. Interested parties can request to join discussion at Google group OMCRA and it will be more publicly accessible once the campaign gets going.</p>		
<b>CONCLUSIONS</b>		

- The Outreach Committee requested for the Power Point presentation weblink, password, and the Citizen Fact Sheet to be posted on the OMMP website as soon as possible.
- Mr. Dalotto drafted a legislative proposal for the Oregon Medical Cannabis Research Act of 2011.

**PUBLIC ANNOUNCEMENTS AND COMMENT**

**PUBLIC  
ACMM**

**DISCUSSION**

Michael McGuinness wrote a letter to the ACMM regarding his business plan. His plan would make it possible for Hospice cardholders to receive their medication at home via Federal Express or UPS. If interested please contact him.

Ellen Adams thanked the state for helping patients to be protected. She has been volunteering as a web designer. She discovered bad advertising from the board. Patients are looking for support, trust and protection. Ms. Adams stated Mr. Witkowski has openly produced a website against the Stormy Ray Foundation that says everyone agrees with him and everything put on the site is false. She provided pictures of the website.

Ron Hagen declined to speak.

DJ Bennett became a patient because doctors did the wrong surgery. She stated she is not a heavy smoker and that with the way the law is now, if she makes butter or cookies then she's over the limit. If she treats herself medically or legally she has to be in pain. She'd like to have this reviewed so she can medicate without having to smoke.

Tom Bennett thanked everyone. He had the WIN team visit their garden. After communicating with several different agencies they were found to be legal. He stated law enforcement needs to be better educated and this was a compliance check. Ms. McGarvin responded compliance checks don't exist. Mr. Funk responded this comes under educating law enforcement.

Peter Kraymer from the Salem Mercy Center thanked the ACMM for their help with bringing information to the people of Eugene and Salem areas.

David Freeman was not present.

Richard Scott discussed Ballot Measure 74 and that people having problems with amounts. He drafted a petition regarding organically grown medication and vaults for patients to store medication. Mr. Scott stated disabilities aren't equally divided and psychiatrists should be able to prescribe medical marijuana; doctors, law enforcement, and patients need to be trained on OMMA laws; patients end up buying medicine from the same person who's supposed to be growing for them.

Roy Murray from Oregon Green Free, stated there should be a reporting system in place for law enforcement to prevent fishing, similar to the added rule for physician's with over 450 patients.

Cheryl Smith, the Executive Director of The Compassion Center in Eugene discussed dispensaries. She stated she spoke with a person at the NORML conference that said he goes to dispensaries all the time. Ms. McGarvin responded she's seen a growing number of places calling themselves dispensaries and that concerns are noted.

<b>MEETING AJOURNED</b>	<b>2:43 PM</b>
<b>MINUTES SUBMITTED BY</b>	<b>Roni Scott</b>
<b>SPECIAL NOTES</b>	