



Compassionate Use Board Annual Report

State of Utah

Department of Health and Human Services

November 1, 2022

To: Health and Human Services Interim Committee
From: Richard Oborn, director, Center for Medical Cannabis
Subject: 2022 Annual report from the Compassionate Use Board

Executive Summary

[Utah Code 26-61a-105 \(5\)\(f\)](#) specifies that the Compassionate Use Board shall submit an annual report to the Health and Human Services Interim Committee by November 1 of each year. The report shall include the number of petitions approved by the Board during the past year and the types of medical conditions for which the Board received the petition.

Utah law requires all medical cannabis card applications from individuals under 21 to include a petition for the Board to review. An individual without a medical condition specified in [Utah Code 26-61a-104 \(2\)](#) as a qualifying condition shall submit a petition to the Board and obtain a medical cannabis card if approved by the Utah Department of Health and Human Services (DHHS) Center for Medical Cannabis. The Board recommends approving or denying each complete petition to the DHHS Center for Medical Cannabis. The DHHS Center for Medical Cannabis staff reviews all patient submissions within 90 days of receipt.

The Board comprises seven board-certified physicians appointed by the DHHS executive director and confirmed by the Utah State Senate. Three Board members are required to be board certified in pediatrics. The other members shall be certified in neurology, pain medicine, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, or gastroenterology.

All information submitted in a petition is confidential. Only Board members and DHHS Center for Medical Cannabis staff are authorized to review Board petitions and attend Board meetings. The DHHS Center for Medical Cannabis began accepting medical cannabis card applications and Board petitions in March 2020. The Board's first meeting was held in March 2020, with 29 subsequent meetings.

Compassionate Use Board petition outcomes

Of the 92 petitions approved since October 2021, 90 were submitted for patients under 21, and two were adults aged 21 or older. Five recommended petitions were approved under the expedited rule for patients with terminal illness diagnoses. All eight petitions the Board denied were for patients under 21. Of the petitions reviewed, 14 petitions needed more information to reach a determination. In these cases, the DHHS Center for Medical Cannabis has requested additional information from the patient and their medical provider(s). The patient or guardian is welcome to resubmit the petition to the Compassionate Use Board at any time.

The following tables report the number of petitions approved or denied by the Board at meetings held between October 2021 to September 2022 and the types of medical conditions for which the Board approved petitions.

Table 1. The Compassionate Use Board approved 92 petitions and denied eight in the last 12 months.

	Approvals		Denials	
	Under 21 years of age	Over 21 years of age	Under 21 years of age	Over 21 years of age
October 2021	11	0	2	0
November 2021	7	1	0	0
December 2021	12	1	0	0
January 2022	7	0	0	0
February 2022	4	0	0	0
March 2022	2	0	0	0
April 2022	5	0	5	0
May 2022	5	0	0	0
June 2022	7	0	0	0
July 2022	14	0	1	0
August 2022	7	0	0	0
September 2022	9	0	0	0
Total	90	2	8	0

Table 2. Medical conditions for which petitions were approved or denied.

Medical condition	# Approved	# Denied
Anxiety*	4	0
Anxiety and depression*	1	0
Autism	11	1
Cachexia	2	0
Cancer	7	0
Chronic pain	35	2
Crohn's disease	1	0
Debilitating seizures	1	0
Depression*	1	0
Epilepsy	1	1
Hospice care	1	0
Non-diabetic gastroparesis*	1	0
PTSD	22	4
Rare condition	1	0
Terminal illness	2	0
Ulcerative colitis	1	0
Total	92	8

*indicates a condition not listed in Utah Code 26-61a-104(2) as qualifying.

Compassionate Use Board resources

The Board requires evidence of the failed conventional treatments for the requested medical condition. The documents submitted shall reflect the previous efforts to treat the medical condition. The supportive information is necessary to assist the Board in determining that medical cannabis treatment is in the patient's best interest when weighing the request against the benefits vs. the risks. The DHHS Center for Medical Cannabis staff has created tools to assist patients and providers with petition submissions.

The Board [website](#) updates patients and qualifying medical providers (QMPs) on the document submission due dates and the expected release dates of Compassionate Use Board hearing determinations. The site provides the methods of communication with the DHHS Center for

Medical Cannabis staff, such as the dedicated email address and fax number. This website is a single comprehensive location for all available resources.

An additional resource on the website includes petition submission instructions and a high-level list of information to include in the petition. This resource also identifies reasons why petition reviews are delayed. The instructions lessen the burden on staff and minimize delays by decreasing incomplete or incorrectly entered submissions

The DHHS Center for Medical Cannabis collects the patient petitions via a secure REDCap electronic form. This electronic form eliminated the need for a paper form and the time burden on staff. To further assist QMPs with the Compassionate Use Board process, a [REDCap help document](#) is available on the website. This document answers the most commonly asked questions about the REDCap form functions.

The Board has provided DHHS Center for Medical Cannabis staff with conventional treatment recommendations for certain medical conditions and associated contraindications. A [Compassionate Use Board petition content guide](#) containing the collected treatment information highlights the details of care for which the Board examines. This tool clarifies the statutory requirement for the petitioner to demonstrate that they have not adequately responded to conventional treatments.

Based on the research in the Cannabis Research Review Board (CRRB) cannabis [guidance documents](#), the Board has created a list of [cannabis use recommendations](#). The information includes drug-drug interactions, procedure sedation effects, cannabis delivery methods, etc. This document is sent to all board-approved patients and is available on the website.

Lastly, an [Electronic Verification System \(EVS\) guide](#) is available to describe the EVS status changes and account notations by the DHHS Center for Medical Cannabis staff. The guide includes contact information for staff, general board information, and submission instructions. This tool defines the EVS status in the patient's profile and allows them to track the petition process.

For any questions about the information in this report, contact Sarah Ponce, MS, RN, senior registered nurse, Utah Department of Health and Human Services, at sponce@utah.gov.