

# UTAH MEDICAID DRUG UTILIZATION REVIEW BOARD BY-LAWS

*Adopted and Ratified by DUR Board 8 Sep 2016*

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## **Article I – Name and Location**

### **Section 1 – Name**

The name of the organization shall be the Utah Medicaid Drug Utilization Review Board (hereafter referred to as the "DUR Board" or "Board") serving the Utah Department of Health, Division of Medicaid and Health Financing (herein after referred to as DMHF).

### **Section 2 – Location**

The principle location of the DUR Board, including public meetings, shall be in the Utah Department of Health, Division of Medicaid & Health Financing, 288 N 1460 W, PO Box 143102, Salt Lake City, UT 84114-3102.

## **Article II – Purpose**

The Drug Utilization Review program was established under Sec. 1927 (g) of the Social Security Act [42 U.S.C. 1396r-8(g)] to ensure that the use of prescription and over the counter drugs ("drugs") are appropriate, are medically necessary, and are not likely to result in adverse medical results.

## **Article III – Membership**

### **Section 1 – Membership Appointments**

- A. As set forth in R414-60A, the DMHF Division Director (herein after referred to as "Director") shall appoint a member of the DUR Board for a four-year term. DMHF may renew appointments at the discretion of the Director.
- B. DMHF staff shall request nominations for appointees from professional organizations within the state. These nominations are then given to the Director for selection and appointment.
  - a. If there are no recommendations from a professional organization within 30 days of a request, DMHF may submit a list of potential candidates to professional organizations for consideration.
  - b. If there are no willing nominees for appointment from professional organizations, the Director may reappoint members to additional non-consecutive terms as needed.
  - c. Terms separated by more than an interruption of two months are not consecutive.
- C. When a vacancy occurs on the DUR Board, the Director shall appoint a replacement for the unexpired term of the vacating member.
- D. The DUR Board shall elect, from its members, a chairperson to a one-year term. The chairperson may serve more than one consecutive terms if reappointed by the Board.
- E. The DUR Board shall be managed by a non-voting Board manager appointed from the pharmacy group within DHCF.

## **Section 2 – Size and Representation of Membership**

- A. As set forth in R414-60A, the DUR Board shall be composed of up to twelve (12) voting members with the following composition:
  - a. Four physicians from recommendations received from the Utah Medical Association
  - b. One physician engaged in Academic Medicine
  - c. Three pharmacists from recommendations received from the Utah Pharmacy Association
  - d. One pharmacist engaged in Academic Pharmacy
  - e. One dentist from recommendations received from the Utah Dental Association
  - f. One individual from recommendations received from the Pharmaceutical Manufacturer’s Association (PhRMA)
  - g. One consumer representative

## **Section 3 – Conflict of Interest**

Drug Utilization Review Board members are required to submit an annual conflict of interest disclosure statement and will have an ongoing duty to disclose any conflicts of interest to the Board Manager. A DUR Board member shall abstain from participating in any action, including discussion, on any issue if there is an appearance the committee member has a conflict of interest.

## **Section 5 – Confidentiality**

The DUR Board members are required to keep confidential all pricing information and proprietary information which is disclosed regarding Utah Medicaid. Any provider or patient specific information discussed by the DUR Board shall also be kept confidential.

## **Section 6 – Resignations**

A member of the DUR Board may resign by giving a 30 day advance written notice to the Board Manager.

## **Section 7 – Removal**

Any member of the DUR Board may be removed by the Director for good cause. Good cause shall include the following:

- A. Nonattendance
  - a. Three consecutive absences from scheduled meetings shall constitute a resignation.
  - b. Four absences from six consecutive scheduled meetings shall constitute a resignation.
- B. Wrongdoing or misconduct while in membership, in consultation with the Board.

## **Article IV – DUR Board Responsibilities and Functions**

The role of the DUR Board, in accordance with administrative rules, is to limit fraud, waste, and abuse of prescription and over the counter drugs via prospective and retrospective drug use review, and application of published and professionally accepted treatment standards.

## Section 1 – Meetings

- A. Meetings shall be conducted by the DUR Board Chairperson.
  - a. In the event that the chairperson cannot conduct due to absence or other reason, the meeting shall be conducted by the Board Manager.
  - b. The DUR Board Chairperson shall determine whether a quorum is present. A quorum is greater than or equal to half of the number of filled Board positions.
- B. Under normal circumstances, DUR Board meetings will be held on the second Thursday of the month
  - a. Exceptions to this may be made by a majority vote of the committee
- C. At least ten meetings must be held in a rolling 12 month period
- D. DUR Board meetings shall be open to the public in accordance with the Utah Open and Public Meetings Act (Utah Code 52-4)
- E. Members of the general public may comment or give testimony with the following limitations
  - a. Each person testifying must complete and submit a conflict of interest (COI) disclosure form
  - b. Only one person from an organization may testify
  - c. Unsolicited testimony will be limited to three (3) minutes
- F. Expert testimony solicited by the Board or Board Manager:
  - i. Is not subject to the three minute limit
  - ii. Is subject to the COI requirement
  - iii. Must be scheduled at least seven (7) days prior to the meeting
- G. The Board Manager shall execute or delegate the following tasks:
  - a. Schedule meetings
  - b. Set agendas
  - c. Provide meeting materials
  - d. Keep meeting minutes
  - e. Record committee business
  - f. Make audio recordings of meetings
  - g. Notify the Director when vacancies occur
  - h. Provide meeting notices
  - i. Coordinate functions between the committee and DMHF
- H. Notice for DUR Board meetings shall be given in accordance with applicable law
- I. Cancellations
  - a. Meetings may be cancelled for the following reasons:
    - i. Severe inclement weather
    - ii. Lack of a quorum
    - iii. Other reasons as determined by the Board Manager
  - b. Members of the DUR Board shall be notified of a meeting cancellation by the Board Manager.

## Section 2 – Functions

### A. Reviews

- a. Topics for review shall be assigned by the Board Manager
  - i. Topics will be considered for review under advisement from:
    1. DMHF staff
    2. DUR Board members
    3. Contractors involved in conducting drug utilization reviews
- b. The DUR Board shall carry out the Division's federal and state responsibilities for the Medicaid drug program to address the following issues:
  - i. Adverse reactions to drugs
  - ii. Therapeutic appropriateness
  - iii. Overutilization and underutilization
  - iv. Appropriate use of generic drugs
  - v. Therapeutic duplication
  - vi. Drug-disease contraindications
  - vii. Drug-drug interactions
  - viii. Incorrect drug dosage and duration of treatment
  - ix. Drug allergy interactions
  - x. Clinical abuse and misuse
  - xi. Identification and reduction of the frequency of patterns of fraud, abuse, and gross overuse
  - xii. Inappropriate or medically unnecessary care among physicians, pharmacists, and recipients
  - xiii. Prior Authorization criteria

## Section 3 – Voting

- A. DUR Board recommendations begin with a motion by a board member
- B. All motions shall be seconded by a board member other than the member making the motion
- C. The board will vote on motions which have been seconded
- D. A motion passes if the voting represents the majority vote at a meeting in which a quorum is present
- E. In the event of a tie vote, the motion will not pass
- F. Abstentions
  - a. An abstention occurs when a board member is present, but abstains from voting on a motion.
  - b. An abstention shall not be counted as a vote in support of the motion
  - c. An abstention shall not be counted as a vote in opposition to the motion
  - d. An abstaining member still counts as a present board member for the purpose of determining a quorum

## **Article V – Amendments of By-Laws**

- A. Proposals for amendments to these by-laws may be initiated by the Board Manager, the Board Chairperson, or any Board member.
- B. Any proposed amendment must be submitted in writing to the Board Manager at least ten (10) business days prior to the meeting and will be referred to the Board as a whole for consideration.
- C. Any proposed amendment shall be distributed to board members at least five (5) days prior to the next board meeting.
- D. A proposed amendment of the by-laws shall be passed at any meeting of the DUR Board by a vote of two-thirds of the members present, provided that all sections of this article have been satisfied.
- E. An amendment shall become effective and a part of these by-laws immediately upon the close of a meeting wherein the DUR Board votes to ratify such amendment.