

# UTAH MEDICAID P&T COMMITTEE BY-LAWS

---

*Adopted by P&T Committee 15 Sep 2016  
Ratified by DUR board 13 Oct 2016*

## Table of Contents

Article I – Name and Location.....	2
Section 1 – Name .....	2
Section 2 – Location.....	2
Article II – Purpose.....	2
Article III – Membership.....	2
Section 1 – Membership Appointments .....	2
Section 2 – Size and Representation of Membership.....	3
Section 3 – Terms of Membership.....	3
Section 4 – Conflict of Interest.....	3
Section 5 – Confidentiality .....	3
Section 6 – Resignations .....	3
Section 7 – Removal.....	3
Article IV – P&T Committee Responsibilities and Functions.....	4
Section 1 – Meetings.....	4
Section 2 – Functions .....	5
Section 3 – Voting .....	5
Article V – Quorum .....	6
Article VI – Amendments of By-Laws.....	6
Section 1 – Who can propose an amendment.....	6
Section 2 – Timing of a proposed amendment.....	6
Section 3 – Notification of a proposed amendment.....	6
Section 4 – Ratification of an amendment .....	6
Section 5 – Effective date of an amendment.....	7

## **Article I – Name and Location**

### **Section 1 – Name**

The name of the organization shall be the Utah Medicaid Pharmacy and Therapeutics Committee (herein after referred to as the "P&T Committee" or "Committee") 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 P&T Committee, 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] to ensure prescriptions are appropriate, are medically necessary, and are not likely to result in adverse medical results. A Preferred Drug List (herein after referred to as PDL) was authorized by Utah Code Title 26, Chapter 18, Part 1, Section 2.4 to be based on clinical and cost-related factors which include medical necessity as determined by a provider in accordance with administrative rules established by the Drug Utilization Review Board (DUR Board). The P&T Committee is established by Rule R414-60B-5 of Utah Administrative Code as a professional and technical advisory board to DMHF in the formulation of a PDL.

## **Article III – Membership**

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

- A. As set forth in R414-60B-5, the DMHF Division Director (herein after referred to as "Director") shall appoint the members of the P&T Committee for a two-year term. DMHF may renew appointments at the discretion of the Director.
- B. DMHF staff 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 seek recommendations from DMHF staff.
- C. An individual considered for nomination must demonstrate no direct connection to, and must be independent of the pharmaceutical manufacturing industry for a minimum of five (5) years.
- D. When a vacancy occurs on the committee, the Director shall appoint a replacement for the unexpired term of the vacating member.

## Section 2 – Size and Representation of Membership

- A. The P&T Committee shall be composed of up to nine (9) voting members with the following composition:
- a. One physician from each of the following specialty areas:
    - i. Internal Medicine
    - ii. Family Practice Medicine
    - iii. Psychiatry
    - iv. Pediatrics
  - b. One pharmacist from each of the following areas:
    - i. Pharmacist in Academia
    - ii. Independent Pharmacy
    - iii. Chain Pharmacy
    - iv. Hospital Pharmacy
  - c. DMHF shall appoint one employee to serve as the ex officio voting Committee Manager.
  - d. The P&T Committee shall elect a chairperson to a one-year term from among its members. The chairperson may serve consecutive terms if reelected by the committee.

## Section 3 – Terms of Membership

With the exception of the ex officio Committee Manager, each member is appointed to a two year term. DMHF has the option of making the appointments renewable.

## Section 4 – Conflict of Interest

The P&T Committee 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 Committee Manager. An appointed committee member who has a financial interest which may be affected by an official act of DMHF, ad hoc or advisory committee shall declare such interest prior to discussion, voting, advising or taking any other action. A P&T Committee 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 P&T Committee members are required to keep confidential all pricing information and proprietary information which is disclosed regarding the P&T program or the PDL. Any provider or patient specific information discussed in the P&T Committee shall also be kept confidential.

## Section 6 – Resignations

A member of the P&T Committee may resign by giving a 30 day advance written notice to the Committee Manager.

## Section 7 – Removal

Any member of the P&T Committee 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.
- C. Any removal of a committee member will be brought to the attention of the P&T Committee by the Committee Manager.

## **Article IV – P&T Committee Responsibilities and Functions**

The P&T Committee functions as a professional and technical advisory board to DMHF in the formulation of a PDL.

### **Section 1 – Meetings**

- A. Meetings shall be conducted by the P&T Committee Chairperson.
  - a. In the event that the chairperson cannot conduct due to absence or other reason, the meeting shall be conducted by the Committee Manager
  - b. The P&T Committee Chairperson shall determine whether a quorum is present
- B. Under normal circumstances, P&T Committee meetings will be held on the third Thursday of the month
  - a. Exceptions to this may be made by a majority vote of the committee
- C. Meetings must be held at least quarterly
- D. P&T Committee meetings shall be open to the public in accordance with the Utah Open Meetings Act
- 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 committee or Committee 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 Committee 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 a P&T Committee meeting 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 Committee Manager
  - b. Members of the P&T committee shall be notified of a meeting cancellation by the Committee Manager.

## Section 2 – Functions

- A. Reviews
  - a. Topics for review shall be assigned by the Committee Manager
    - i. Topics will be considered for review under advisement from:
      - 1. DMHF staff
      - 2. P&T Committee members
      - 3. Contractors involved in conducting P&T reviews
  - b. The P&T Committee shall:
    - i. Review drug classes and make recommendations to DMHF for PDL implementation
    - ii. Review new drugs, new classes or both to make recommendations to DMHF for PDL implementation
    - iii. Review drugs or drug classes as DMHF requests
    - iv. Review drugs within a therapeutic class and make a recommendation to DMHF for the preferred drug or drugs within the therapeutic class
    - v. Review evidence based criteria and drug information
  - c. The P&T Committee shall base its determinations on the following:
    - i. If clinical and therapeutic considerations are substantially equal, then the P&T Committee shall recommend to DMHF that it consider only cost.
    - ii. If cost information available to the P&T Committee indicates that costs are substantially the same, then the P&T Committee may make its recommendation to DMHF based on the clinical and therapeutic profiles of the drugs.
    - iii. In making its recommendations to DMHF, the P&T Committee may also consider whether the clinical, therapeutic effects, and medical necessity requirements justify preferential inclusion of a drug, or drugs on the PDL.

## Section 3 – Voting

P&T Committee recommendations:

- A. Begin with a motion by a committee member
- B. All motions shall be seconded by a committee member other than the member making the motion
- C. The committee 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, and includes votes by at least one physician member and one pharmacist member of the committee
- E. In the event of a tie vote, the motion will not pass
- F. Abstentions
  - a. An abstention occurs when a committee 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 committee member for the purpose of determining a quorum

## **Article V – Quorum**

A simple majority of the membership of the P&T Committee will constitute a quorum. If, after fifteen (15) minutes have elapsed from the start time as stated on the meeting agenda, a quorum is not available the meeting will be cancelled and no business will be discussed or decisions made.

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

As an advisory committee to the DUR Board, rules and amendments proposed by the P&T Committee must be ratified by the DUR Board.

### **Section 1 – Who can propose an amendment**

Proposals for amendments to these by-laws may be initiated by the Committee Manager, Committee Chairperson, a member of the P&T Committee, or a member of the DUR Board.

### **Section 2 – Timing of a proposed amendment**

Any proposed amendment must be submitted in writing to the Committee Manager at least ten (10) business days prior to the meeting and will be referred to the Committee as a whole for consideration.

### **Section 3 – Notification of a proposed amendment**

Any proposed amendment shall be distributed to committee members at least five (5) days prior to the next P&T Committee meeting.

### **Section 4 – Ratification of an amendment**

A proposed amendment of the by-laws shall be passed at any meeting of the P&T Committee by a vote of two-thirds of the members present, provided that all sections of this article have been satisfied. Once an amendment has been passed by the P&T Committee, it will move to the DUR Board for ratification. A majority vote by the DUR Board at a meeting in which a quorum is present is required to ratify an amendment to the P&T Committee by-laws.

## **Section 5 – Effective date of an amendment**

An amendment shall become effective and a part of these by-laws upon the close of a meeting wherein the DUR Board votes to ratify such amendment.

DRAFT