

**LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS
MEDICAID PHARMACEUTICAL AND THERAPEUTICS COMMITTEE**

BYLAWS

The Louisiana Department of Health - Bureau of Health Services Financing has established the Medicaid Pharmaceutical and Therapeutics Committee, as mandated by Act 395 of the Regular Session of the 2001 Louisiana Legislature. The Statutory Authority for the Committee is La. R.S. 46:153.3(D).

The purpose of the Committee, as mandated by statute, is to:

1. Be responsible for developing and maintaining a prior authorization process with a preferred drug list.
2. Create a prior authorization process with a preferred drug list that complies with all applicable state and federal laws, rules, and regulations.
3. Make recommendations for additions and deletions to the preferred drug list, which may change in accordance with such recommendations.
4. Advise the Secretary of the Department of Health (LDH) on policy recommendations related to the prudent administration of the Medicaid drug program.

The Committee will take into account, and provide for, any declaration of emergency as called for by the Governor.

The Secretary of the LDH shall assure that all actions of the Committee comply with applicable state and federal laws, rules, and regulations prior to implementation or modification of the preferred drug list.

**ARTICLE I
MEMBERSHIP**

Section 1. The Committee shall be composed of fifteen (15) members appointed by the Governor and confirmed by the Senate.

Section 2. The Committee shall be representative of the state's race, gender, and geographic diversity.

Section 3. Each nominating organization shall certify by affidavit that the practice of each nominee involves either the care of or the supervision of the care of Medicaid recipients. The Committee shall be comprised of the following persons:

- (1) One (1) physician nominated by

the Louisiana State University Health Sciences Center (LSUHSC).

- (2) One (1) physician nominated by Tulane University School of Medicine.
- (3) Four (4) physicians nominated by the Louisiana State Board of Medical Examiners.
- (4) One (1) pharmacist nominated by the University of Louisiana at Monroe School of Pharmacy.
- (5) One (1) pharmacist nominated by the Xavier University of Louisiana School of Pharmacy.
- (6) Two (2) practicing pharmacists nominated by the Louisiana Board of Pharmacy. (One pharmacist shall be an independent pharmacist and one pharmacist shall be a pharmacist representing a chain pharmacy).
- (7) LDH Secretary or Secretary's designee.
- (8) Medicaid Program Director in LDH or Director's designee.
- (9) President of the Senate or President's designee.
- (10) Speaker of the House of Representatives or Speaker's designee.
- (11) A Medicaid recipient.

Section 4. Other physicians who participate in various sub-specialties may act as consultants to the Committee as needed.

Section 5. Committee members shall serve at the pleasure of the Governor unless replaced in accordance with the provisions set forth in Article I - Section 7.

Section 6. Members shall not entertain individual lobbying or marketing, or partake in any other activity/discussions with pharmaceutical manufacturers or their representatives which would call into question their impartiality when it comes to deciding which drugs may or may not be included on the preferred drug list.

Section 7. A member shall be replaced on the Committee for any of the following causes:

- (1) Absence from two consecutive meetings. The Department may send notice to the nominating organization upon the second recorded absence. The nominating organization shall have thirty calendar days from the issuance of the notice to submit replacement nominations to the Governor. If replacement nominations are not received within thirty days, the Department shall nominate a replacement.
- (2) Receipt of a letter of resignation from the member.

Section 8. The Chairman and Vice-Chairman of the Committee shall be elected by the members of the Committee. The Department shall designate staff to assist the Chairman in his duties.

ARTICLE II OFFICERS

Section 1. There shall be two officers of the Committee. These shall be designated as the Chairman and the Vice-Chairman.

The officers shall be nominated from the floor and elected by a majority vote of the Committee.

Section 2. There shall be an Executive Subcommittee comprised of the Chairman, Vice-Chairman and DHH LDH Secretary.

Section 3. The Chairman's duties are to call all meetings of the Committee and to preside at all regular and special meetings of the Committee.

The Chairman shall appoint members to subcommittees established by the Committee.

The Chairman shall prepare agendas with the assistance of LDH staff.

Section 3. The Vice-Chairman shall exercise all powers of the Chairman in the event of the absence of or inability of the Chairman to serve and shall perform other duties as the Chairman may assign to him. Section 4. The tenure of all officers shall be one year with the provision that any officer may succeed himself in office.

**ARTICLE III
MEETINGS**

Section 1. The Committee shall meet twice per year or as prescribed by the Chairman.

Section 2. The Committee may conduct and its members may attend and participate in a meeting via electronic means when allowed under La. R.S. 17.1. The Committee shall comply with all of the requirements in La. R.S. 17.1 when conducting and participating in a meeting via electronic means.

Section 3 The rules contained in Robert's Revised Rules of Order shall govern the Committee in cases to which they are applicable, and in which they are not inconsistent with the bylaws of the Committee.

Section 4. In accordance with La. R.S. 42:14, all Committee meetings subject to La. R.S. 42:19(A) shall provide for an opportunity for public comment at such meeting, subject to reasonable rules, regulations, and restrictions as adopted by the public body. In accordance with La. R.S. 46:153.3(D)(5)(a), the Committee hereby adopts that all public comments shall be made prior to voting on any changes in the preferred drug list. All drug manufacturers' comments whose products are being reviewed and any other public comments shall be made at the close of Old Business and prior to voting on any changes in the preferred drug list. The Chairman of the Committee may restrict the number of individuals per drug manufacturer who are allowed to comment. The Chairman of the Committee may restrict the length of time an individual may address the Committee to two minutes. Any additional comments may be made at the close of the meeting. Any individual who makes a public comment and provides documents to members of the Committee, shall also provide the Department of Health with a copy of the documentation. The Chairman may also reasonably restrict the number of times, at one meeting, the individual may move to be heard by the Committee. The Chairman, at any time, may hear a motion, or make such motion himself, to adopt further reasonable rules, regulations, and restrictions regarding public comments. The passage of any such motion shall be controlled by vote as stated in these bylaws.

Section 5. The Committee shall not take up an item not on the agenda unless there is unanimous approval of all the Committee members present at the meeting. Prior to any vote on the motion to take up a new agenda item, there shall be an opportunity for public comment.

Section 6. These bylaws may be amended by a majority of voting members. The Chairman shall provide a copy of proposed amendments to each Committee member at least two weeks prior to voting on the amendments.

**ARTICLE V
PROCESS**

Section 1. The Committee's preferred drug list development and revision process shall comply with all applicable state and federal laws, rules, and regulations.

Section 2. If the decision of the Committee is contrary to the clinical evidence found in labeling, drug compendia, or peer review literature, such decisions shall be justified in writing. The Chairman will be responsible for submitting the Committee's justification in writing.

ARTICLE VI VOTING

Section 1. Active members shall carry an equal vote. Voting shall follow the majority rule method.

Section 2. Minutes shall detail the vote count on all decisions including drugs being voted on for inclusion on the preferred drug list.

Section 3. A quorum shall be established by the presence of a majority of the voting members. If a quorum is not obtained for a regular scheduled meeting, the meeting will be rescheduled at the earliest possible date, and all Committee members informed at the discretion of the Chairman.

Approved as amended:

Date: 11/4/22