

DELAWARE
Department of Health and Social Services
Division of Medicaid & Medical Assistance
Drug Utilization Review Board By-Laws

MISSION STATEMENT

Section 4401, 1927(g) of the Omnibus Reconciliation Act of 1990 mandated that the Delaware Department of Health and Social Services (DHSS) develop and adopt regulations effective January 1, 1993 for a drug use review program for covered outpatient drugs. The Act established a Drug Utilization Review (DUR) Board which will review and approve drug use criteria and standards for both retrospective and prospective drug use reviews, apply these criteria and standards in the application of DUR activities, review and report the results of DURs, and recommend and evaluate educational intervention programs. The purpose of the DUR program is to improve the quality of pharmaceutical care by ensuring that prescriptions are appropriate, medically necessary, and that they are not likely to result in adverse medical results.

MEMBERSHIP

The Board shall consist of eleven members: four members shall be pharmacists that are licensed and actively practicing in Delaware, three members shall be physicians that are licensed and actively practicing in Delaware, three members of the public who have relevant health care experience and two will be crossover members from the Division of Medicaid & Medical Assistance (DMMA) Pharmaceutical and Therapeutics Committee. It is a requirement that at least one-third but not more than 51% of the DUR board members be physicians and that at least one-third of the Board members be pharmacists. The pharmacist and physician members shall be nominated by a professional society, group or association, and the public members shall be nominated by DHSS. A Board member will be appointed for a three (3) year term and may be reappointed. The Secretary of DHSS shall appoint all DUR Board members. Any vacancy on the DUR Board, other than by expiration of term, shall be filled by the Secretary of DHSS. The Director of DMMA shall designate staff assistance to the DUR Board and its Officers for the routine conduct of business. Should any DUR Board member be unable to fulfill his/her term on the DUR Board, that member shall provide written notice to the Chairperson prior to resignation. Any DUR Board member missing three (3) consecutive meetings shall be considered not able to serve the remainder of their term and shall be replaced by the Secretary of DHSS. Nominations will be sought beginning in September. Interested nominees will be requested to submit a resume including qualification to Secretary. The resume and credentials will be reviewed for the nominees knowledge and expertise in clinically appropriate prescribing and/or dispensing and monitoring of drugs, drug use review, evaluation and intervention, or medical quality assistance.

OFFICERS

The Board shall elect from amongst its membership a Chairperson and Alternate Chairperson. These members shall serve for a period of one year, and may be reelected. If the current chairperson does not wish to remain in that position, the alternate chairperson will become the chairperson at the first meeting of the calendar year. Nominations can be made to members of the committee, or prior to elections from the floor.

Elections will occur at the first meeting of each calendar year. Those elected shall assume their offices at the next meeting following their election and shall serve until their successors are elected. Any office vacancy on the DUR Board, other than by expiration of term, shall be filled by a vote of the remaining members for the unexpired portion of the term.

DUTIES OF OFFICERS

The chairperson of the DUR Board shall preside, (when present) at all meetings of the DUR Board; appoint members to committees; vote as any other member of the Board on any issue; perform other duties which may be delegated by the DUR Board; and delegate to the alternate chairperson such duties as may be appropriate. The chairperson shall work closely with the Director of DMMA or his/her designee in determining the type of involvement that will enable DUR Board members to carry out their responsibilities. The alternate chairperson shall assume all the powers and duties of the Chairperson when the chair is absent from a meeting, and in the event of a vacancy in the office. The alternate chairperson shall also perform such other duties as requested by the DUR Board or by the chairperson.

MEETINGS

The Board shall hold meetings four times a year. The preferred time will be the second Monday of the month from 7 to 9 p.m.. The DUR Board may meet at such other times as the Chairperson determines to be necessary and appropriate. The chairperson shall notify each Board member of any meeting at least twenty-four (24) hours prior to the time of the special meeting. Each Board member shall file with the Chairperson the address, telephone number, email address, and if possible a fax number to which meeting notices are to be sent. Written notice of all regular meetings shall be sent to the DUR Board members at least ten (10) days in advance of the time and place of the meeting.

DUTIES AND ACTIVITIES

The DUR Board shall review predetermined standards submitted to it by the Medicaid agency or the agency's contractor. The Board shall evaluate the use of predetermined standards, recommend guidelines governing written predetermined standards including modifications and elimination of existing predetermined standards, or the addition of new ones. In order to improve prescribing and/or dispensing practices when drug therapy problems occur, the DUR Board will develop educational programs and interventions for practitioners. The Board shall make recommendations for which mix of interventions would most effectively lead to improvement in the quality of drug therapy, periodically re-evaluate and if necessary, modify the interventions.

ANNUAL REPORT

The DUR Board shall prepare and submit an annual report to the Medicaid agency that contains at least the following information:

1. A description of the nature and scope of the prospective drug review program.
2. Detail information on the specific criteria and standards in use.

3. A description of the actions taken by the DUR committee to ensure compliance with the requirements for predetermined standards.
4. A description of the nature and scope of the retrospective DUR program.
5. A summary of the educational interventions used and an assessment of the effect of these educational interventions on the quality of care.
6. An estimate of the cost savings generated as a result of the DUR program.

The Department of Health and Social Services retains the authority to accept or reject the recommendations of the DUR Board.

COMMITTEES

Committees may be constituted at any time by the action of the Chairperson. Such committees shall be formed when necessary for the efficient functioning of the DUR Board. Members of a committee and its chairperson shall be appointed by the Chairperson from among the membership of the DUR Board. In creating such a committee, the Chairperson shall specify the time within which the committee is to make its report(s) to the DUR Board.

DUR BOARD DOCUMENTS

All official records of the DUR Board shall be kept on file at DHSS. Records not dealing with confidential issues shall be open to public inspection. This includes but is not limited to meeting agendas, minutes, by-laws, and standards used by the program.

PUBLIC PARTICIPATION

All DUR Board meetings are open to the public. The DUR Board may make and enforce reasonable rules regarding the conduct of persons attending its meetings. Opportunities for a public or professional member to address the committee may be requested by the Division of Medicaid and Medical Assistance or the DUR Board. After confirmation, the presenter shall submit in writing ten days before the scheduled meeting, an overview of their subject and a conflict of interest statement in order that it may be distributed to committee members prior to the meeting. Presentations will be limited to ten (10) minutes and must be on one of the topics that is on the agenda. The ten day requirement and subject matter may be waived by the Chairperson if there are extenuating circumstances. Public comment is welcome from all meeting attendees, though limited to three (3) minutes per comment unless an extension is granted by the Chair.

REVISION AND COMPLIANCE

The by-laws of the DUR Board may be amended at any regular Board meeting by a majority vote, provided that the proposed amendment was submitted in writing at the previous meeting of the DUR Board and is included in the notice of the meeting at which a vote is taken. The By-laws shall be reviewed in total at least

Revision November 12th, 2009

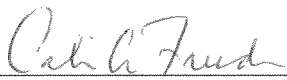
every two years, with a limited annual review for compliance with Section 4402, 12927 (g) of the Omnibus Reconciliation Act of 1990. Revisions shall be made if necessary and after approval by the Director of DMMA. The by-laws will be signed and dated to indicate the time of last review.

CONFLICT OF INTEREST

A conflict of interest shall exist when a Board member has a personal, professional or monetary interest in a matter under consideration by the DUR Board. A member shall disclose he/she has a conflict of interest at the commencement of the consideration of substantive matters before the Board, or at the point when conflict of interest becomes apparent to the member. Minutes of the meeting will reflect the conflict of interest and that recusing from voting had occurred. In the event there are questions as to whether a conflict of interest or potential conflict of interest exists in the case of an individual member, the question shall be decided by an affirmative vote of the majority of the DUR Board, excluding the member in question.

EFFECTIVE DATE- The foregoing By-laws shall go into effect on the


11th day of January, 2010.



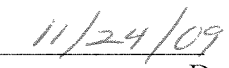
DUR Chair Person



Date



DMMA Director



Date