



Department of Health & Social Services

**DELAWARE MEDICAID
PHARMACEUTICAL AND THERAPEUTICS COMMITTEE BY-LAWS**

ARTICLE I – Name

The name of the organization shall be the Delaware Medicaid Pharmaceutical and Therapeutics Committee (hereinafter referred to as the “P & T Committee” or “Committee”) serving the Delaware Department of Health and Social Services (the Department).

ARTICLE II – Purpose

Section I – Establishment

The P & T Committee is established to serve the Delaware Department of Health & Social Services in an advisory capacity for the purpose of developing and maintaining a preferred drug list (PDL) for Delaware’s Medicaid and State Prescription Assistance Programs (SPAP).

Section II – Duties of the P&T Committee

The Committee shall meet periodically as set forth in these By-laws. The Committee shall review monograph material presented and make recommendations as to which drugs should be included/not included on the list of preferred drugs. Committee shall make recommendations based on multiple considerations to include, but not limited to the following: efficacy, safety, other relevant clinical information, cost, value for the money and comparative effectiveness.

ARTICLE III – Membership

Section I – Membership Appointments

All appointments to membership shall be made in writing by the Secretary of the Department of Health and Social Services (Secretary) of the State of Delaware.

Section II – Size and Representation of Membership

The Committee shall be composed of no less than (7) members nor more than twelve (12) members, who must be actively practicing healthcare professionals at the time of appointment. The committee can also include public members and

other interested parties. However, the Secretary may change the size of this Committee as he/she deems appropriate. Two members will be appointed from the Division's Drug Utilization Review Board.

Section III – Terms of Membership

Appointments shall be made for a term of three years and reappointments and new appointments shall be made by the Secretary.

Section IV – Conflicts of Interest

The Committee members will be required to submit conflicts of interest disclosure statements and will have an ongoing duty to disclose any conflicts of interest to the Committee Chairperson and the Department. Non Disclosure Statements will be renewed annually during executive session at the February P&T meeting. Disclosure (Conflict of Interest) Statements will be renewed during executive session at each P&T meeting.

Section V – Communication

If a P&T committee member believes he/she has received inappropriate contact (e-mails, mailings, phone calls, etc) about any agenda item, it shall be reported to HP Enterprise Services Pharmacy team.

If an organization involved in the manufacture, sale, distribution or use of a Pharmaceutical wishes to provide written information to the P & T Committee members, it should be sent to the P&T committee e-mail address PanTPublicTestimony@hp.com. Such communication should not be sent directly to any member of the P&T committee or State / HP Enterprise Services representative. Communication sent to the P&T mail box will be distribution to all members.

Section VI – Confidentiality

The Committee members will be required to keep confidential all pricing information and propriety information which is disclosed regarding the preferred drug list.

Section VII – Resignations

A member of the P & T Committee may resign by written notice to the Committee Chairperson.

Section VIII – Removal

Any member of the Committee may be removed by the Secretary for good cause. Good causes shall include, but not be limited to the following:

- A. Nonattendance – Two consecutive absences from scheduled meetings shall constitute a resignation.
- B. Wrongdoing or misconduct while in membership.

C. Failure to comply with Conflict of Interest disclosure requirements

ARTICLE IV – OFFICERS

Section I – Chairperson/Vice-Chairperson

The officers of the Committee shall be a Chairperson and a Vice-Chairperson. These are elected positions. The officers shall be nominated and seconded by members of the Committee and elected by majority vote of the members of the Committee.

Section II – Term of Office

Elected offices shall be for a term of three years. Elected officers may succeed themselves for an additional three-year term. Regularly scheduled elections will take place once every three years following the initial election.

Section III – Duties of Officers

The Chairperson shall preside over Committee meetings. The Chairperson shall work closely with the Director of DMMA or his/her designee in determining the type of involvement that will enable the P & T Committee members to carry out their responsibilities. The Vice 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 Vice Chairperson shall also perform such other duties as requested by the P & T Committee or by the Chairperson. The Chairperson and, or in their absence, the Vice Chairperson shall serve to sign official Committee documents, including but not limited to recommendations to the Department concerning the PDL and the retrospective letters to Providers.

Section IV – Resignation of an Officer

If the Chairperson is unable to continue to serve, the Vice Chairperson shall assume the responsibilities of the Chairperson and appoint a new Vice Chairperson to serve until the next regularly scheduled election.

If the Vice Chairperson is unable to continue to serve, the Chairperson shall appoint a new Vice Chairperson until the next regularly scheduled election.

ARTICLE V – MEETINGS

Notice of meetings will be published on the state web site:
<http://www.dmap.state.de.us/information/pharmacy.html> at least ten (10) days prior to each meeting.

Meetings shall be held biannually or may be called at any time by the Department, Committee Chairperson, or upon written request of any (3) members of the Committee. The preferred time will be on a Thursday afternoon at noon, starting with a short closed executive session. Meetings are open to the public.

Executive sessions in which confidential issues are discussed shall be closed to the public. The Chairperson shall adjourn to executive session for discussion of such matters. Adjournment to executive session must be by motion and seconded.

ARTICLE VI – PUBLIC PARTICIPATION

Members of the public may attend all open P & T Committee meetings. To provide testimony the guidelines listed on the DMMA web site must be followed.

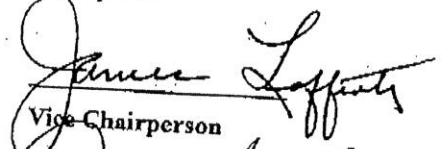
ARTICLE VII – AMENDMENT OF BY-LAWS

The By-Laws of the P & T Committee may be amended at any regular Committee meeting by a majority vote, provided that the proposed amendment was submitted to the committee members a minimum of two weeks prior to the scheduled meeting and is included in the notice of the meeting at which a vote is taken. By-law changes that are approved by the Committee must be submitted to and approved in writing by the Secretary of DHSS in order for the change to be adopted. The By-Laws will be signed and dated to indicate the time of the last review.

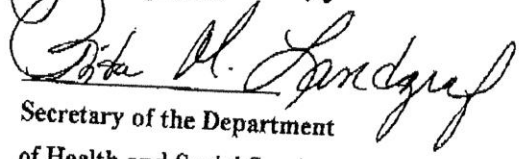
Effective Date – The foregoing ByLaws shall go into effect on the 11th day of March, 2010.


Chairperson

3/11/2010
Date


Vice-Chairperson

3/11/2010
Date


Secretary of the Department
of Health and Social Services
of the State of Delaware

3/29/2010
Date