

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

December 17, 2003

ARTICLE I – NAME

The name of the organization shall be the Texas Health and Human Services Commission (Commission or HHSC) Pharmaceutical and Therapeutics Committee (P&T Committee or Committee).

ARTICLE II- PURPOSE

The purpose of the P&T Committee is to review and make recommendations to the Commission for developing and maintaining a preferred drug list (PDL) to be adopted by the Commission under Section 531.072 of the Texas Government Code. The Committee serves in an advisory capacity to the Commission.

ARTICLE III – MEMBERSHIP

Section I – Membership Appointments

All appointments shall be made by the Governor, who shall also appoint the Chairperson.

Section II – Size and Representation of Membership

The Committee shall be composed of eleven members, of whom six shall be physicians and five shall be pharmacists. The Chairperson shall be a physician.

Physicians shall be licensed under Texas law and shall be participating in the Medicaid program. At least one physician shall be actively engaged in providing care and treatment to persons with severe mental illness and have practice experience in the state Medicaid plan.

Pharmacists shall be licensed under Texas law and participating in the Texas Medicaid program.

The governor shall ensure that committee members represent different specialties and provide services to all segments of the Medicaid program's diverse population and have experience in either developing or practicing under a preferred drug list.

Section III- Terms of Membership

Members are appointed for two-year terms and may serve more than one term.

Section IV – Conflict of Interest

Members must not have contractual relationships, ownership interest, or other conflicts of interest with a pharmaceutical manufacturer or labeler or with an entity engaged by the Commission to assist in the development of the preferred drug lists or the administration of the prior authorization system. They shall not entertain individual lobbying or marketing, or partake in any other activity/discussions with pharmaceutical manufacturers or their representatives that would call into question their impartiality in recommending drugs to be included or excluded from the PDL.

Section V- Confidentiality

The Committee shall maintain the confidentiality of information used in considering their recommendations that is deemed confidential by law.

Section VI- Resignations

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

Section VII- Removal

The Chairperson or Committee may recommend the Governor's removal of any member of the Committee for good cause. Good cause may include:

- Nonattendance – Three consecutive absences from scheduled meetings shall constitute a resignation.
- Wrongdoing or misconduct while a member of the Committee.

ARTICLE IV – OFFICERS

Section I – Chairperson/Vice- Chairperson

The Chairperson of the Committee shall be a physician appointed by the Governor, in accordance with Section 531.074 of the Texas Government Code. The Governor shall appoint the Vice-Chairperson from among the appointed members.

Section II- Term of Office

The Chairperson and the Vice-Chairperson serve at the pleasure of the Governor

Section III- Duties of Officers

The Chairperson shall preside over the Committee meetings, and will confer with HHSC staff on agenda items in advance of each meeting.

The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.

ARTICLE V- MEETINGS

Meeting notice will be posted, with the agenda, at least five days prior to each meeting.

Meetings will be held at least quarterly, or may be called at any time by the Commission or the Committee Chairperson.

Executive sessions in which confidential information, as described in Section 531.071 of the Texas Government Code, is discussed shall not be open to the public. The Chairperson shall adjourn to executive session when discussing this information. Recorded minutes shall be the only formal recording of the activities of the Committee meetings. Telephonic attendance by members is permitted in accordance with these by-laws. Members participating by teleconference must be audible to all present so that their participation may be appropriately recorded in the minutes.

ARTICLE VI- QUORUM

A simple majority of the membership of the P&T Committee shall constitute a quorum. If a quorum is not available at the meeting location, a quorum may be established by teleconference. Teleconferencing is not to take the place of physical attendance at meetings. Attendance of a member at three consecutive meetings by telephone conference, may constitute a basis for recommending removal pursuant to Article III, Section VII.

ARTICLE VII- PUBLIC ATTENDANCE AND TESTIMONY

Members of the public wishing to testify must register at the beginning of the meeting. Registration to testify will include the name of the person wishing to testify, address and organization represented. Testimony may be time- limited at the direction of the Chairperson and also may be limited to restrict redundant or repetitive testimony. In order to accommodate testimony from a variety of organizations and individuals, testimony may be limited to one individual per organization or company on each agenda item.

Handouts may be distributed to the Committee, but audiovisual equipment is not allowed. Materials submitted for clinical review must be submitted to the Commission's contractor, and promotional or marketing materials will be excluded. Written comments not to exceed two pages may also be submitted to the Commission's designated employee via mail or e-mail.

ARTICLE VIII-RULES OF ORDER

Robert's Revised Rules of Order shall govern the proceedings of the Committee when applicable and not inconsistent with the by-laws of the Committee.

ARTICLE IX-AMENDMENTS OF BY-LAWS

Amendment(s) of by-laws may be made at any meeting of the Committee by vote of a two-thirds majority of the members present, provided that written notice of the proposed amendment(s) is sent to the Commission at least ten business days prior to the meeting. The Commission will distribute this notice to the Committee members.