

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

**ARTICLE I — Name**

The name of the organization shall be the Nebraska Medicaid Pharmaceutical and Therapeutics Committee (hereinafter referred to as the "P&T Committee" or "Committee").

**ARTICLE II - Purpose**

**Section I — Establishment**

The P & T Committee is established to serve the Nebraska Department of Health and Human Services (DHHS) in an advisory capacity for the purpose of developing and maintaining a Preferred Drug List (PDL) for the Nebraska Medicaid Pharmacy Program. The purpose of the PDL is to provide appropriate pharmaceutical care to Medicaid recipients in a cost-effective manner. The Committee is formed pursuant to Neb. Rev. Stat. §§ 68-951 et seq.

**Section II — Duties of the Pharmaceutical and Therapeutics Committee**

The Committee shall meet periodically, as set forth in these By-Laws. The Committee shall review Therapeutic Class Reviews (TCRs) and make recommendations as to which drugs should be included or not included on the Preferred Drug List. Decisions will be based on the clinical efficacy, safety, and cost effectiveness of drug products. To the extent feasible, the committee shall review all drug classes included in the PDL at least every twelve (12) months.

**ARTICLE III**

**Section I — Membership Appointments**

All appointments to membership shall be made in writing by the Director of the Division of Medicaid and Long-Term Care, Nebraska Department of Health and Human Services.

**Section II — Size and Representation of Membership**

The P & T Committee shall include at least fifteen (15) but no more than twenty (20) members. No more than twenty-five percent (25%) of the Committee shall be state employees.

The Committee shall consist of at least:

- a) eight (8) physicians
- b) four (4) pharmacists
- c) a university professor of pharmacy or a person with a doctoral degree in pharmacology
- d) two (2) public members.

The physician members of the committee, so far as practicable, shall include physicians practicing in the areas of (a) family medicine, (b) internal medicine, (c) pediatrics, (d)

cardiology, (e) psychiatry or neurology, (f) obstetrics or gynecology, (g) endocrinology, and (h) oncology.

### Section III — Terms of Membership

Appointments shall be made for a term of three (3) years. Reappointments and new appointments shall be made by the Director of the Division of Medicaid and Long-Term Care.

### Section IV — Conflict of Interest

The Committee Members will be required to submit conflict of interest disclosure statements annually, and will have an on-going duty to disclose any conflict of interest to the Committee Chairperson and the DHHS. Violations may result in DHHS action against the Committee member, including removal from the Committee.

Members receiving remuneration in any form from drug companies must recuse themselves from voting on or discussing any issue regarding drugs manufactured, marketed, or distributed by those companies.

### Section V — Industry Communication

Pharmaceutical representatives shall not contact Committee Members in an attempt to influence voting on agenda items.

If a Committee Member believes he/she has received inappropriate contact (emails, mailings, phone calls, etc.) about any agenda item, it shall be reported to the Nebraska DHHS Pharmacy Consultant responsible for the PDL. Possible action, including exclusion from one or more P & T Committee Meetings, of the person or entity responsible for the inappropriate contact may result.

### Section VI — Confidentiality

The Committee Members will be required to keep confidential all pricing and proprietary information disclosed regarding the PDL. The Committee Members will be required to submit confidentiality statements annually. Violations may result in DHHS action against the Committee member, including removal from the Committee.

### Section VII — Resignation

A Committee Member may resign by written notice to the Director of the Division of Medicaid and Long-Term Care.

### Section VIII — Removal

Any committee Member may be removed by the Director of Medicaid and Long-Term Care for good cause. Good cause shall include, but is not limited to the following:

- a) Nonattendance — two (2) consecutive unexcused absences from scheduled meetings shall constitute a resignation.
- b) Wrongdoing or misconduct while serving as a Member of the Committee.

- c) Failure to comply with conflict of interest disclosure requirements or confidentiality requirements.

#### Section IX — Expenses

Members of the Committee shall be reimbursed for their actual and necessary expenses as provided in Nebraska Statutes Section §§ 81-1174 through 81-1180.

### **ARTICLE IV — OFFICERS**

#### Section I — Committee Leadership

Members shall select a Chairperson and a Vice Chairperson every two (2) years from the Committee Membership. Ideally, one (1) will be a physician and the other will be a pharmacist. Except where extenuating circumstances exist, it is anticipated that for the following election, the Vice Chairperson will be elected to accede to the Chairperson, then the membership will elect a new Vice Chairperson. The vote to elect leadership within the Committee may be by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

#### Section II — Term of Elected Office

Elected offices shall be for a term of two (2) years. Elected officers may be re-elected for an additional two (2) year term. Regularly scheduled elections will take place once every two (2) years following the initial election.

#### Section III — Duties of Officers

The Chairperson shall preside over Committee Meetings. The Chairperson will do his or her best to ensure that the Committee proceeds fairly and professionally to implement its responsibilities for the PDL process. The Chairperson will confer with the DHHS Pharmacy Consultant responsible for the PDL or his or her designee on agenda items in advance of each meeting. The Vice Chairperson shall assume all the powers and duties of the Chairperson when the Chairperson 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, or in his or her absence, the Vice Chairperson, shall serve to sign official Committee documents, including, but not limited to recommendations to the DHHS concerning the PDL.

#### 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. The Committee will elect a new Vice Chairperson to serve until the next regularly scheduled election.

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## **ARTICLE V — MEETINGS**

The P&T Committee will give reasonable advance publicized notice of the time and place of each meeting, and the method of notification will be recorded in the minutes of the Committee's meetings. The agenda for P&T Committee Meetings will be maintained at the DHHS offices and will be available for public inspection. The notice and the agenda will be posted on the Nebraska Pharmacy Medicaid website: <http://nebraska.fhsc.com>. The agendas will be kept continually current and will not be altered later than 24 hours before the scheduled commencement of the meeting. The P&T Committee may modify an agenda to include items of an emergency nature only at such public meeting. The agenda items will be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

The DHHS staff shall maintain a list of news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to that list of media of the time and place of each meeting and the subjects to be discussed at that meeting.

The P&T Committee shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes of all meetings and evidence or documentation received or disclosed during open session shall be public records, open to public inspection during normal business hours. Minutes shall be written and available for inspection within 10 working days or prior to the next convened meeting, whichever occurs earlier.

Meetings shall be held twice a year or may be called at any time by the Department of Health and Human Services, Division of Medicaid and Long-Term Care.

To the extent feasible, PDL drug classes shall be reviewed once a year. A PDL drug class may be reviewed off-cycle for an emergent review by, and at the discretion of, the P&T Committee or when new data shows a potential risk to patient safety.

The P&T Committee may go into closed session for certain purposes, as authorized by the Open Meetings Act. Adjournment to executive session must be by motion and seconded.

In the event of inclement weather, the meeting will be cancelled if Lincoln or Omaha Public Schools are cancelled.

## **ARTICLE VI — QUORUM AND VOTING**

A simple majority of the membership of the P&T Committee will constitute a quorum. Any action taken on any question or motion duly made and seconded shall be by roll call vote in open session and the record shall state how each member voted or if the member was absent or not voting. Unless otherwise specified by the DHHS, a majority of members present and considered eligible to vote shall be considered the act of the Committee. The Chairperson will vote only in the event of a tie.

**ARTICLE VII — PUBLIC PARTICIPATION**

Meetings of the P & T Committee are open to the public according to the Nebraska Open Meeting Law, Nebraska Statutes Section §§ 84-1407 through 84-1414.

Public comments shall be allowed, but will by necessity be constrained by time and place. Public testimony guidelines may be found on the Nebraska Pharmacy Medicaid website: <https://nebraska.fhsc.com>.

At least one current copy of the Open Meetings Act shall be posted in the meeting room at a location accessible to members of the public. The Committee shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at a meeting.

**ARTICLE VIII — 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 30 days prior to the scheduled meeting and is included in the notice of the meeting at which a vote is taken. Any changes to the By-Laws that are approved by the Committee must be submitted to and approved in writing by the Director of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services in order for the change to be adopted. The By-Laws will be signed and dated to indicate the time of the last review.

So enacted the 26th day of August 2009, and revised the 12<sup>th</sup> day of May 2021 by a majority of the members of the Committee.

Attest:

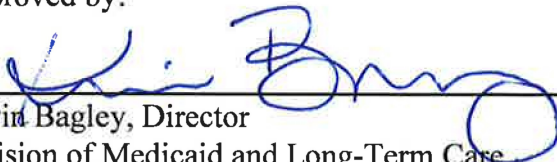


Linda Sobeski, PharmD., Chairperson

5/25/2021

Date

Approved by:



Kevin Bagley, Director  
Division of Medicaid and Long-Term Care  
Department of Health and Human Services

6/21/2021

Date