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February 10, 2020

SENATE BILL NO. 1517

By: Coleman of the Senate

and

McEntire of the House

An Act relating to the Oklahoma Health Care Authority; amending 63 O.S. 2011, Section 5030.1, which relates to the Medicaid Drug Utilization Review Board; modifying certain provisions related to appointments; providing for quorum; excluding vacancies from calculation of Board membership for certain purpose; providing for approval of action items; updating terms; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 5030.1, is amended to read as follows:

Section 5030.1. A. There is hereby created within the Oklahoma Health Care Authority the Medicaid Drug Utilization Review (DUR) Board, which shall be responsible for the development, implementation and assessment of retrospective and prospective drug utilization programs under the direction of the Authority.

B. The ~~Medicaid Drug Utilization Review~~ DUR Board shall consist of ten (10) members appointed by the ~~administrator~~ Administrator of the Authority as follows:

1 1. Four physicians, licensed and actively engaged in the
2 practice of medicine or osteopathic medicine in this state, of
3 which:

4 a. three shall be physicians chosen from a list of not
5 less than ~~six~~ three names per vacancy submitted by the
6 Oklahoma State Medical Association, and

7 b. one shall be a physician chosen from a list of not
8 less than ~~two~~ three names per vacancy submitted by the
9 Oklahoma Osteopathic Association;

10 2. Four licensed pharmacists actively engaged in the practice
11 of pharmacy, chosen from a list of not less than ~~six~~ three names per
12 vacancy submitted by the Oklahoma Pharmaceutical Association;

13 3. One person representing the lay community, chosen from a
14 list of not less than three names per vacancy, who shall not be a
15 physician or a pharmacist, but shall be a health care professional
16 with recognized knowledge and expertise in at least one of the
17 following:

18 a. clinically appropriate prescribing of covered
19 outpatient drugs,

20 b. clinically appropriate dispensing and monitoring of
21 covered outpatient drugs,

22 c. drug use review, evaluation and intervention, and

23 d. medical quality assurance; and
24

1 4. One person representing the pharmaceutical industry who is a
2 resident of the State of Oklahoma, chosen from a list of not less
3 than ~~two~~ three names submitted by the Pharmaceutical Research and
4 Manufacturers of America. The member representing the
5 pharmaceutical industry shall be prohibited from voting on action
6 items involving drugs or classes of drugs.

7 C. Members shall serve terms of three (3) years, except that
8 one physician, one pharmacist and the lay representative shall each
9 be initially appointed for two-year terms in order to stagger the
10 terms. In making the appointments, the ~~administrator~~ Administrator
11 shall provide, to the extent possible, for geographic balance in the
12 representation on the ~~Medicaid Drug Utilization Review~~ DUR Board.
13 Members may be reappointed for a period not to exceed three total
14 three-year terms and one partial term. Vacancies on the ~~Medicaid~~
15 ~~Drug Utilization Review~~ DUR Board shall be filled for the balance of
16 the unexpired term from new lists submitted by the entity originally
17 submitting the list for the position vacated.

18 D. The ~~Medicaid Drug Utilization Review~~ DUR Board shall elect
19 from among its members a chair and a vice-chair who shall serve one-
20 year terms, ~~provided they may succeed themselves.~~ The chair and
21 vice-chair may each be re-elected for no more than three consecutive
22 one-year terms.

23 E. The proceedings of all meetings of the ~~Medicaid Drug~~
24 ~~Utilization Review~~ DUR Board shall comply with the provisions of the

1 Oklahoma Open Meeting Act and shall be subject to the provisions of
2 the Administrative Procedures Act.

3 F. Quorum for DUR Board meetings shall be established by a
4 simple majority of the total number of members appointed to the DUR
5 Board, excluding any vacant positions. Vacant positions on the DUR
6 Board shall not be included in the calculation of the total DUR
7 Board membership for DUR Board meeting purposes. A majority vote of
8 the members present with voting privileges at the time of any DUR
9 Board meeting shall be necessary for any action taken by the DUR
10 Board. If the DUR Board fails to establish a quorum, the members
11 who are present at the time of the meeting may discuss matters on
12 the agenda for the meeting, but no action items may be addressed and
13 no vote may be taken on any issue.

14 G. The Medicaid Drug Utilization Review DUR Board may advise
15 and make recommendations to the Authority regarding existing,
16 proposed and emergency rules governing retrospective and prospective
17 drug utilization programs. The Oklahoma Health Care Authority Board
18 shall promulgate rules pursuant to the provisions of the
19 Administrative Procedures Act for implementation of the provisions
20 of this section.

21 SECTION 2. This act shall become effective November 1, 2020.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 February 10, 2020 - DO PASS
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