

# CORRECTED

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1517

By: Coleman

## AS INTRODUCED

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.

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

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

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

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

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

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

21 a. clinically appropriate prescribing of covered  
22 outpatient drugs,

23 b. clinically appropriate dispensing and monitoring of  
24 covered outpatient drugs,

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

2 d. medical quality assurance; and

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

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

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

1 E. The proceedings of all meetings of the ~~Medicaid Drug~~  
2 ~~Utilization Review~~ DUR Board shall comply with the provisions of the  
3 Oklahoma Open Meeting Act and shall be subject to the provisions of  
4 the Administrative Procedures Act.

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

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

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