

**BYLAWS OF**  
**THE NORTH CAROLINA STATE HEALTH PLAN**  
**PHARMACY AND THERAPEUTICS (P&T) COMMITTEE**

**Article I. Authority**

Pursuant to N.C.G.S. §§ 135-48.51(2) and 58-3-221(a)(1) the North Carolina State Health Plan (Plan), by maintaining a closed formulary, must develop the formulary and any restrictions on access to covered prescription drugs or devices in consultation with and with the approval of a pharmacy and therapeutics committee (Committee), which shall include participating physicians who are licensed to practice medicine in North Carolina.

**Article II. Membership**

**Section 1. Voting Members:** The Committee is comprised of nine voting members, who shall be licensed pharmacists or physicians in North Carolina. These members should represent a variety of specialties, which may include, but shall not be limited to:

- Pharmacists
  - Retail
  - Hospital
- Physicians
  - Endocrinology
  - Pediatrics
  - Cardiology
  - Hematology/Oncology/Rheumatology
  - Psychiatry
  - Neurology

**Section 2. Ex Officio Members:** The Plan's Senior Director of Plan **Integration** and Clinical Pharmacist, **or designee, shall** serve as **an** ex officio, nonvoting member of the Board.

**Section 3. Appointment:** Each voting member shall be appointed by the State Treasurer. Appointments **shall be effective** for two-year terms **unless otherwise set by the State Treasurer.**

**Section 4. Removal:** The State Treasurer may remove any voting member at any time, in his or her **sole** discretion **with or without cause.**

**Section 5. Vacancies:** Any vacancy in voting membership may be filled only by appointment by the State Treasurer.

### **Article III. Organization**

**Section 1. Chairperson:** The Plan's Senior Director of Plan **Integration shall serve as the Committee Chairperson, or designee. In the Senior Director of Plan Integration's, or designee's, absence** the Clinical Pharmacist shall serve as the Committee Chairperson.

The Chairperson has the following authority, duties, and responsibilities:

1. Maintain a current list of Committee members;
2. Call meetings;
3. Facilitate the scheduling of meetings;
4. Provide notice of meetings to the Committee and the public;
5. Publish an agenda prior to each meeting;
6. Maintain official minutes and records of all proceedings from meetings;
7. Call a motion to move the Committee into closed session.
8. Coordinate and disseminate information to the Committee;
9. Consult with outside specialists when needed to leverage expertise that is not represented on the Committee;
10. Enforce the governing rules of the Committee as established by these bylaws;

**Section 2. Officers:** Other than the Chairperson, officers may be appointed by the Chairperson from among the Committee's membership.

### **Article IV. Meetings**

**Section 1. Official Meetings:** Official Meetings are those meetings in which a majority of voting Committee members gather for the purpose of participating in deliberations, voting, or otherwise transacting the business of the Committee. The Committee **shall** meet at least **twice per year**. Meetings will be held at the Plan's offices unless otherwise decided by the Chairperson.

**Section 2. Emergency or Special Meetings:** Emergency or Special Meetings may be called by the Chairperson.

**Section 3. Public Meetings:** All Official Meetings shall be open to the public pursuant to N.C.G.S. § 143-318.10 except for those parts of the meeting moved to closed session pursuant to N.C.G.S. § 143-318.11.

**Section 4. Closed Session:** The Chairperson may make a motion to move to closed session pursuant to N.C.G.S. § 143-318.11 only during an open public meeting. The motion by the Chairperson to move to closed session must cite the statutorily permissible reason for the closed session. Only those persons authorized by law or invited by the Chairperson may be present during closed session.

**Section 5. Attendance:** Committee members shall attend at least seventy-five percent of all non-emergency meetings of the Committee during the member's two-year term. Any member who fails to satisfy this attendance requirement shall automatically **have their membership on** the Committee **revoked**. The Chairperson may request the attendance of Plan staff, Department of State Treasurer staff, consultants, or contractors as necessary to provide information to the Committee.

**Section 6. Meeting by Telephone or Other Electronic Media:** At the discretion of the Chairperson, members of the Committee may participate in meetings by means of telephone, video conference, webinar, or other acceptable means.

**Section 7. Notice:** The date, time, and place for all Committee meetings will be published on the Plan's website when known but no later than two weeks prior to any meeting. If a preliminary agenda is created it shall be posted as soon as practicable in the same manner as the notice; however, the preliminary agenda will not limit the scope of the Committee's meeting. If a preliminary agenda is not available, the notice shall include a general description of the nature and purpose of the meeting. Notice of Emergency or Special Meetings, as set forth in Article IV, Section 2 of these Bylaws, will be published at the same time notice is given to the Committee.

## **Article V. OPERATION OF THE COMMITTEE**

**Section 1. Actions of the Committee:** The Committee shall act only as authorized by law and these Bylaws. No member of the Committee shall exercise individually any administrative authority with respect to the Committee except as authorized by these Bylaws. No individual member of the Committee shall make a statement of policy which purports to be that of the Committee unless the Committee shall have adopted such policy, but no one shall be prohibited from stating his or her personal opinions provided they are clearly identified as such.

**Section 2. Access to Documents and Information:** The Chairperson will supply the Committee with any documents or information that is necessary for the proper conduct of its duties and responsibilities, subject to confidentiality requirements set forth in state and federal law.

**Section 3. Rules of Order:** The rules contained in the most recent edition of Robert's Rules of Order shall govern in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

**Section 4. Agenda:** The agenda for each meeting will be developed by the Chairperson. The Chairperson shall send a preliminary agenda to each member of the Committee as soon as practicable in advance of any meeting of the Committee. The final agenda as approved by the Chairperson will be provided at the Committee meeting and shall govern the order of business for the meeting.

**Section 5. Minutes:** The Chairperson shall prepare minutes of the proceedings of all Committee meetings, including the date, time, place, members present or absent, and action taken. A copy of the minutes of each meeting of the Committee shall be transmitted to each Committee member for review at least two weeks prior to approval at the succeeding meeting. The minutes shall not be considered official unless and until approved by the Committee. Official minutes will be published to the Plan's website as soon as practicable.

**Section 6. Quorum:** A majority of the voting members of the Committee shall constitute a quorum.

**Section 7. Voting:** A quorum must be present in order for the Committee to **vote** a decision. Any vote undertaken in the absence of a quorum being present is null and void. Decisions of the Committee shall be made by a majority voice vote of the Committee members with voting rights present. Voting by secret ballot is not allowed.

A roll call vote shall be taken upon the request of any Committee member. The names of the Committee members shall be called and each member shall vote "yes" or "no" at such time unless he or she chooses to abstain.

**Section 8. Compensation:** Committee members shall be compensated for time spent in preparation for and in Committee meetings, as authorized by the Chairperson, in accordance with State Office of Human Resources rules for temporary employees administered through Beacon at a rate approved by the State Treasurer.

**Section 9. Recusal from Participation:** After a meeting has been called to order and the final agenda reviewed, the Chairperson shall read to the Committee the Conflict of Interest Statement. Any Committee member with a conflict of interest or an appearance of a conflict of interest for any agenda item shall identify and recuse himself or herself from participating in discussion or voting on that particular agenda item.

## **ARTICLE VI. AUTHORITY, DUTY, RESPONSIBILITIES AND CONDUCT OF THE COMMITTEE**

**Section 1. Standard of Care:** Committee members shall carry out their duties and responsibilities as ethical stewards for the Plan. As ethical stewards, Committee members are obligated to act in the best interest of the Plan and its members while always considering the most up-to-date, unbiased patient care and biomedical literature.

**Section 2. Conflict of Interest:** A conflict of interest arises when a Committee member, or a member of his or her immediate family, may benefit from actions taken by the Committee. In such instances, the Committee member must disclose the conflict to the Committee and recuse himself or herself from participation in addressing or voting on the matter in which there is a conflict of interest or appearance of a conflict of interest.

**Section 3. Authority:** The Committee shall serve in an advisory capacity to the Plan to ensure the Plan's Comprehensive Formulary Document is appropriately revised to adapt to the release of new drugs, changes in product availability, and changes in evidence-based clinical or safety guidelines. The Committee shall have no authority to act independent of and without direction of the Plan, except as expressly provided in these Bylaws.

**Section 4. Responsibilities:** The Committee is responsible for the following core functions:

1. Review new drugs, drug classes, new clinical indications, therapeutic advantages, new chemical entities, and new safety information.
2. Recommend pharmacy-related utilization management criteria that will promote the safety, effectiveness, and affordability of medication used in clinical settings.
3. Review and vote on proposed updates to the Comprehensive Formulary Document quarterly.
4. Present formulary recommendations to the Plan for adoption, subject to the Plan's approval.
5. Serve in an advisory capacity to the Plan on other matters when needed.

The Chairperson will assign Committee members new drugs or utilization policies to research prior to meetings. Members shall present their assigned reviews to the Committee at the designated meeting.

**Section 5. Expectations:** Committee members are expected to:

1. Be informed about the State Health Plan's policies and practices;
2. Work constructively with other Committee members to fulfill their duties and responsibilities;
3. Interact professionally and appropriately with the State Treasurer, Executive Administrator, Plan staff, consultants, contractors, and other outside service providers at all times;
4. Be prepared for all Committee meetings by reviewing agendas and supporting materials prior to the meeting;
5. Attend Committee meetings, share expertise, and actively participate in discussions;
6. Incur only reasonable expenses in carrying out duties as Committee members as approved by the Chairperson.
7. Maintain high ethical standards and avoid the appearance of impropriety;
9. Make requests of Plan staff, consultants, contractors, or other outside service providers only under the directive of the Chairperson.
10. Maintain confidentiality at all times related to matters discussed in closed session pursuant to N.C.G.S. § 143-318.11 as well as information that meets the definition of "confidential information" under N.C.G.S § 132-1.2 **or as required by other applicable law.**

**Section 6. Education and Training:** Committee members shall review any educational or training materials provided by the Chairperson prior to the next occurring Committee meeting, unless otherwise instructed by the Chairperson.

## **Article VII. AMENDMENTS**

**Section 1. Amendment:** These Bylaws may be amended at any meeting of the Committee only upon motion by the Chairperson and a majority voice vote of the Committee members with voting rights present.

**Section 2. Effective Date:** Amendments shall go into effect immediately upon their adoption unless the motion to adopt specifies a time for the amendment to go into effect.

It being the desire of the Committee to meet its responsibilities and in the most efficient and conscientious manner possible to discharge its duties under the law, the North Carolina State Health Plan Pharmacy and Therapeutics Committee does hereby adopt these bylaws this 20th day of February, 2018, to be effective immediately.

**[Caroline Smart]**, Chairperson