

**WEST VIRGINIA MEDICAID
PHARMACEUTICAL AND THERAPEUTICS COMMITTEE BY-LAWS
Revised January 19, 2006**

ARTICLE I - NAME

The name of the organization shall be the West Virginia Medicaid Pharmaceutical and Therapeutics Committee (hereinafter referred to as the "P & T Committee" or "Committee") serving the West Virginia Department of Health and Human Resources, Bureau for Medical Services (hereinafter referred to as the Bureau).

ARTICLE II - PURPOSE

The P & T Committee is established to serve the West Virginia Department of Health and Human Resources and the Bureau in an advisory capacity for the purpose of developing and maintaining a preferred drug list under the authority of West Virginia Code § 9-5-15.

The purpose of the P & T Committee is to review and make recommendations as to which drugs should be included or not included on the list of preferred drugs.

ARTICLE III - MEMBERSHIP

Section I - Membership Appointments

All appointments to membership shall be made by the Secretary of the Department of Health and Human Resources of the State of West Virginia.

Section II - Size and Representation of Membership

This Committee shall be composed of not less than seven (7) members or more than fifteen (15) members, who must be actively practicing healthcare professionals.

Section III - Terms of Membership

Appointments shall be made for a term of three years. Members are eligible for reappointment but no member may be appointed for more than three full consecutive terms. Of the members appointed in 2006, five (5) will serve a term of one (1) year and five (5) will serve a term of two (2) years [selected through a method of random selection], and five (5) will serve a term of three (3) years. Thereafter, reappointments will be made for five (5) members on a yearly rotating basis. Reappointments shall be made by the Secretary.

Section IV - Conflicts of Interest

The Committee members will be required to submit conflicts of interest disclosure statements and will have an ongoing duty to disclose any conflicts of interest to the Committee Chairperson and the Bureau. Disclosure statements will be completed annually.

Section V - Confidentiality

The Committee members will be required to keep confidential all pricing, proprietary, and related information which is disclosed regarding the preferred drug list. The Committee members shall sign a confidentiality agreement. Upon receipt of the drug monograph materials, members of the Committee will refrain from interaction with pharmaceutical manufacturers until after the conclusion of the meeting in which the materials are presented.

Section VI - Resignations

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

Section VII - Removal

Any member of the Committee may be removed by the Secretary for good cause. Good cause shall include, but not be limited to, the following:

- A. Nonattendance - Two consecutive absences from scheduled meetings
- B. Wrongdoing or misconduct while in membership, including conduct which constitutes conflicts of interest and disclosure of confidential and/or proprietary information.

ARTICLE IV - OFFICERS

Section I - Chairperson/Vice-Chairperson

The officers of the Committee shall be a Chairperson and a Vice-Chairperson. These are elected positions.

Section II - Term of Office

Elected offices shall be for a term of one year. Elected officers may succeed themselves for two additional one-year terms.

Section III - Duties of Officers

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

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

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 and appoint a Vice-Chairperson to serve until the next regularly scheduled election.

If the Vice-Chairperson is unable to continue to serve, the Chairperson shall appoint a Vice-Chairperson to serve until the next regularly scheduled election.

ARTICLE V - MEETINGS

A notice of meeting will be published in the State Register, with the agenda, consistent with the Open Meetings Law.

Meetings shall be held at least three times per year, or may be called at any time by the State Medicaid Agency in consultation with the Committee Chairperson, or the Committee Chairperson, or upon the written request of any three (3) members of the Committee. Meetings are open to the public.

Executive sessions in which confidential issues are discussed shall be closed to the public. The Chairperson shall adjourn to executive session for discussions of matters as provided in West Virginia Code § 9-5-15. Adjournment to executive session must be by motion and seconded.

Actions of the Committee shall be tape recorded. Minutes prepared therefrom, and adopted, will be the only formal recording of the activities of the Committee meetings. Telephonic attendance by members is permitted in accordance with the by-laws. Members participating by telephone must be audible to all present.

ARTICLE VI - QUORUM

A simple majority of the membership of the P & T Committee will constitute a quorum. If a quorum is not available, a quorum may be established by telephonic conferencing. Telephonic conferencing is not to take the place of physical

attendance at meetings. If a member attends two (2) consecutive meetings by telephonic conferencing, this shall constitute good cause for removal pursuant to Article III, Section VII.

ARTICLE VII – PUBLIC COMMENTS

Public comments shall be allowed but will by necessity be constrained by place and time. Seating shall be on a first come basis, not to exceed the capacity of the room. Comments will be time limited. Speakers cannot exceed the time limit. Comments from speakers may be submitted in writing, to the Committee in care of the Bureau, but must be limited to no more than two (2) pages.

ARTICLE VIII - AMENDMENTS OF BY-LAWS

Amendment(s) to the by-laws may be made at any meeting of the Committee by vote of two-thirds of the members present, provided that written notice of the proposed amendment(s) is made available to both the Bureau and the members at least ten (10) business days prior to the meeting.