

By Senator Peaden

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1 A bill to be entitled
2 An act relating to pharmacy services; creating the
3 Pharmacy and Therapeutic Advisory Council within the
4 Executive Office of the Governor; providing duties of
5 the council; providing for the appointment and
6 qualification of members; providing for the use of
7 subject-matter experts when necessary; providing
8 requirements for voting and a quorum; providing for
9 quarterly meetings of the council; providing for
10 staffing; providing for reimbursement of per diem and
11 travel expenses for members of the council; providing
12 an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. The Pharmacy and Therapeutic Advisory Council.—

17 (1) The Pharmacy and Therapeutic Advisory Council is
18 created within the Executive Office of the Governor to serve in
19 an advisory capacity to the Department of Health and other
20 governmental agencies. The council may not interfere with
21 existing mandated Medicaid services and may not develop or
22 implement new ones. Specifically, the council may not interfere
23 with the work of the Agency for Health Care Administration as it
24 complies with federal and state statutory obligations to develop
25 a preferred drug list, to negotiate rebate agreements for
26 medications included in the preferred drug list, and to protect
27 the confidentiality of rebate agreements, and may not interfere
28 with the Medicaid Pharmacy and Therapeutics Committee or the
29 Drug Utilization Review Board, which oversee clinical activities

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30 within the Medicaid Bureau of Pharmacy Services.

31 (2) Within the agency's preexisting Medicaid structure, the
32 Pharmacy and Therapeutic Advisory Council shall use Medicaid
33 processes as a guide for assisting state agencies in:

34 (a) Developing an unbiased clinical perspective on drug
35 evaluations and utilization protocols that are relevant to
36 patient care provided through programs administered by state
37 agencies.

38 (b) Developing drug-utilization-review processes that are
39 relevant to the agencies and those receiving care through
40 programs administered by the agencies.

41 (c) Building a formulary structure that enforces formulary
42 compliance or adherence within each agency.

43 (d) Performing pharmacoeconomic analyses on formulary
44 management so that the state maximizes the cost-effectiveness of
45 its pharmaceutical purchasing.

46 (e) Reviewing new and existing therapies using criteria
47 established for efficacy, safety, and quality in order to
48 maximize cost-effective purchasing.

49 (3) The members of the council and the chairman shall be
50 appointed by the Governor to 2-year terms or until their
51 successors are appointed. Members may be appointed to more than
52 one term. The Governor shall fill any vacancies for the
53 remainder of the unexpired term in the same manner as the
54 original appointment.

55 (4) The council shall include voting and nonvoting members,
56 and the chairman, who is a voting member, must be a pharmacist
57 employed by a state agency.

58 (a) The voting members shall represent:

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- 59 1. The Agency for Health Care Administration.
- 60 2. The Agency for Persons with Disabilities.
- 61 3. The Department of Children and Family Services.
- 62 4. The Department of Corrections.
- 63 5. The Department of Elderly Affairs.
- 64 6. The Department of Health.
- 65 7. The Department of Juvenile Justice.
- 66 8. The Bureau of Medicaid Pharmacy Services within the
- 67 Agency for Health Care Administration, which shall be
- 68 represented by the bureau chief.
- 69 9. The Bureau of Statewide Pharmaceutical Services within
- 70 the Department of Health, which shall be represented by the
- 71 bureau chief.
- 72 (b) The nonvoting members shall be:
- 73 1. A representative from the Agency for Health Care
- 74 Administration's drug contracting program.
- 75 2. The contracting officer for the Department of Health's
- 76 drug procurement program.
- 77 3. A clinical pharmacy program manager from the Agency for
- 78 Health Care Administration.
- 79 4. The chairman of the Department of Health's Pharmacy and
- 80 Therapeutics Committee.
- 81 5. The general counsel for the Agency for Health Care
- 82 Administration or his or her designee.
- 83 6. The general counsel for a state agency in the executive
- 84 branch of state government, or his or her designee.
- 85 7. A representative from the Executive Office of the
- 86 Governor.
- 87 8. The statewide pharmacy director of the Department of

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88 Corrections' Office of Health Services.

89 (5) Members of the council shall consist of at least one
90 physician licensed under chapter 458, Florida Statutes, at least
91 one pharmacist licensed under chapter 465, Florida Statutes, and
92 at least one registered nurse licensed under chapter 464,
93 Florida Statutes. Each member designated in this subsection must
94 have an active license in his or her profession and may not have
95 been the subject of any agency disciplinary action.

96 (6) Members, who must be residents of this state, shall be
97 selected on the basis of specialty, board certification, prior
98 pharmacy and therapeutic experience, experience treating medical
99 assistance recipients, ability to represent a broad base of
100 constituents, and number of years of practice. Members must not
101 have any conflicts of interest due to their service on the
102 council.

103 (7) The council may request the participation of additional
104 subject-matter experts to address specific drug, therapeutic, or
105 drug-procurement issues under review by the council.

106 (8) A majority of the members of the council constitutes a
107 quorum, and an affirmative vote of a majority of the members is
108 necessary to take action.

109 (9) The council shall meet quarterly or at the call of the
110 chairman.

111 (10) The council shall be staffed by the chairman's
112 department or agency.

113 (11) The council members shall serve without compensation,
114 but are entitled to reimbursement for travel and per diem
115 expenses incurred in the performance of their duties in
116 accordance with s. 112.061, Florida Statutes.

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Section 2. This act shall take effect July 1, 2009.