



Bylaws of the Silver State Scripts Board

Nevada State Division of
Health Care Financing &
Policy

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ARTICLE I: DEFINITIONS

- A. “Actively Practicing Practitioner or Psychiatrist” shall be the continuous medical practice defined by NRS 639.0215.
- B. “Actively Practicing Pharmacist” shall be the continuous pharmacy related services defined by NRS 639.0124.
- C. “Administrator” shall mean the State’s Administrator of the Division of Health Care Financing and Policy.
- D. “Advisory Committee” shall mean the committee established under the authority of Nevada Revised Statute 422.4025 (Assembly Bill No. 384) to advise the Silver State Scripts Board and the Drug Use Review Board.
- E. “DHCFP” shall mean the Division of Health Care Financing and Policy, a division of Department of Health and Human Services (DHHS).
- F. “DHCFP Coordinator” shall mean the DHCFP staff person assigned to coordinate the Silver State Scripts Board and provide staff assistance to the Silver State Script Board and its subcommittees.
- G. “DHCFP’s Pharmacy Benefits Manager (PBM)” shall mean the DHCFP contractor who’s responsible for management of the Pharmacy Benefit Program.
- H. “DHHS” shall mean the Division of Health and Human Services of the State of Nevada.
- I. “Director” shall mean the State’s Director of DHHS.
- J. “Exhibit” shall mean a document to be presented to the Silver State Scripts Board whereby the Silver State Scripts Board is apprised of proposed changes in policy, regulation, or the State Plan. An Exhibit may require an action/vote by the Board.
- K. “Medicaid” shall mean the Medicaid program that is administered by DHCFP under Title XIX.
- L. “Nevada Check-Up” shall mean the State Children’s Health Insurance Program that is administered by the DHCFP under Title XXI.
- M. “Presentation” shall mean public comments made orally at a meeting of the Silver State Scripts Board.
- N. “Quorum” shall have the meaning stated in Nevada Revised Statutes § 241.015 (4) as a simple majority of the constituent membership of a public body or another proportion established by law.

ARTICLE II: FORMATION AND COMPOSITION

Section I. Legal Authority

The Silver State Scripts Board is created within DHCFP by Nevada Revised Statutes §§ 422.4025 (Senate Bill No. 378). The Silver State Scripts Board will operate in accordance with Nevada Medicaid Services Manual Chapter 1200 and Nevada Medicaid Operations Manual Chapter 200.

Section II. Composition

The Silver State Scripts Board is composed of members appointed by the Director.

Section III. Appointment

The Director shall appoint members to the Silver State Scripts Board based on recommendations from the DHCFP Coordinator. The DHHS Senior Policy Advisor on Pharmacy shall serve as the DHCFP Coordinator to the Silver State Scripts Board.

ARTICLE III: MEMBERSHIP, OFFICERS, AND ASSISTANCE

Section I. Qualifications for Membership in the Silver State Scripts Board

- A. The Silver State Scripts Board membership shall meet the following criteria:
1. At least one-third of the members of the Silver State Scripts Board, and not more than 51 percent of the members of the Silver State Scripts Board, must be actively practicing physicians licensed to practice medicine in Nevada.
 2. At least one member of the Silver State Scripts Board must be an actively practicing psychiatrist licensed to practice medicine in Nevada.
 3. At least one-third of the members of the Silver State Scripts Board, and not more than 51 percent of the members of the Silver State Scripts Board, must be either actively practicing pharmacists registered in Nevada or persons in the state with doctoral degrees in pharmacy.
 4. Members serving on the Silver State Scripts Board may not have a current affiliation, while serving the board term, with a business or corporation that manufactures prescription drugs. This includes direct compensation through employment and contractual activities. This does not exclude members from participating in continuing educational units or conferences sponsored by the above entities.
 5. Silver State Scripts Board members shall be health care professionals who have knowledge and expertise in one or more of the following:

- a. The clinically appropriate prescribing of outpatient prescription drugs that are covered by Medicaid;
- b. The clinically appropriate dispensing and monitoring of outpatient prescription drugs that are covered by Medicaid;
- c. The review of, evaluation of, and intervention in the use of prescription drugs; and
- d. Medical quality assurance.

Section II. Term

- A. All appointed members of the Silver State Scripts Board serve at the pleasure of the Director.
- B. Members of the Silver State Script Board shall serve two-year term and no more than three consecutive terms or six years (whichever comes first).
- C. At the end of an appointed member's term, the Director may reappoint a Silver State Scripts Board member to a subsequent term.
- D. If a vacancy occurs in the membership of the Silver State Scripts Board, the Director shall fill the vacancy for the remainder of the unexpired term in the same manner as the original appointment.
- E. A member of the Silver State Scripts Board may resign by written notice to the Chairperson and the DHCFP Coordinator.

Section III. Officers

- A. The Director shall appoint the Chairperson and Vice-Chairperson of the Silver State Scripts Board from among its members.
- B. The Chairperson and Vice-Chairperson shall serve a term of one year, unless otherwise specified by the Director.
- C. The Chairperson shall preside over the Silver State Scripts Board and shall confer with the DHCFP Coordinator on agenda items in advance of each meeting.
- D. The Chairperson shall be physically present to preside over a meeting.
- E. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.
- F. If the Chairperson is unable to continue to serve, the Vice-Chairperson shall assume the responsibilities of the Chairperson until the Director appoints a new Chairperson.

Section IV. Assistance

- A. The DHCFP shall provide the Silver State Scripts Board with staff assistance and independent technical assistance as needed to enable it to accomplish its functions and duties.
- B. The DHCFP shall review recommendations provided by the Silver State Scripts Board. DHCFP shall provide a written response advising the Silver State Scripts Board members of any concerns related to prescription drugs used by seniors, persons who are mentally ill or persons with disabilities.
- C. DHCFP's Pharmacy Benefit Manager (PBM) shall provide the Silver State Scripts Board with relevant clinical information and with support that includes, but is not limited to, accepting and summarizing submissions by pharmaceutical manufacturers and special interest groups.

ARTICLE IV: FUNCTIONS AND DUTIES

Section I. Functions

- A. The Silver State Scripts Board shall identify the preferred prescription drugs, which should be included on the Preferred Drugs List (hereinafter referred to as the "PDL") developed by the DHCFP, which must include, without limitation, any prescription drug required by the Centers for Medicare and Medicaid Services (CMS) of the United States Department of Health and Human Services to be covered by the Medicaid program and any other prescription deemed essential by the Board.
- B. The Silver State Scripts Board shall identify the preferred prescription drugs included on the PDL, which are or should be excluded from any restrictions for inclusion on the PDL Exclusion List being developed by the DHCFP. These drugs include, but are not limited to:
 - 1. Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;
 - 2. Antirejection medications for organ transplants;
 - 3. Antihemophilic medications; and
 - 4. Any prescription drug the Silver State Scripts Board identifies as appropriate for exclusion from any restrictions imposed by the Medicaid program on drugs that are on the list of the PDL.
- C. The Silver State Scripts Board shall make the final determination for recommendation of:
 - 1. Whether a class of therapeutic prescription drugs is included on the PDL and is excluded from any restrictions imposed by the Medicaid program on other drugs that are on the PDL;

2. Which therapeutically equivalent prescription drugs shall be reviewed for inclusion on the PDL and for exclusion from any restrictions imposed by the Medicaid program on other drugs that are on the PDL; and
 3. Which prescription drugs should be excluded from any restrictions imposed by the Medicaid program on other drugs that are on the PDL based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.
- D. In executing its duties, the Silver State Scripts Board shall:
1. Base its decisions on evidence of clinical efficacy, safety and outcomes for patients and, if the difference between the clinical efficacy, safety and outcomes for two or more drugs is not clinically significant, cost.
 2. Review new pharmaceutical products in as expeditious a manner as possible; and
 3. Consider new clinical evidence supporting the inclusion of an existing pharmaceutical product on the PDL and new clinical evidence supporting the exclusion of an existing pharmaceutical product from any restrictions imposed by the Medicaid program on drugs that are on the PDL in as expeditious a manner as possible.
- E. In executing its duties, the Silver State Scripts Board is authorized to:
1. Exercise clinical judgment and analyze peer review articles, published studies, and other medical and scientific information; and
 2. Establish subcommittees to analyze specific issues that arise as the Silver State Scripts Board carries out its duties.
 3. Close any portion of a meeting during which it considers the cost of prescription drugs.
- F. At least annually, the Silver State Scripts Board shall review all classes of therapeutic prescription drugs on the PDL.

ARTICLE V: MEMBER EXPECTATIONS

Section I. Frequency, Location and Attendance

- A. The Silver State Scripts Board shall meet at least quarterly. Meeting times will be set by the DHCFP Coordinator.
- B. Interim or emergency meeting may be called by the Chairperson or by the DHCFP Coordinator.
- C. A simple majority of the members of the Silver State Scripts Board constitutes a quorum for the transaction of business.

- D. Members may attend meetings telephonically; however, attendance in person to the maximum extent possible is highly encouraged.
- E. Members are expected to attend/participate in at least 50% or two out of four quarterly meetings.

Section II. Agenda, Meeting Preparation and Meeting Structure

- A. The Silver State Scripts Board shall conduct its meetings pursuant to the Nevada Open Meeting Law set forth in Nevada Revised Statutes Chapter 241.
- B. Drug classes to be reviewed shall be posted on the DHCFP website 45 days prior to the scheduled meeting. Manufacturers and special interest groups will be given a deadline for submission of information at the time of this posting. The deadline shall allow at least 15 days for submission from the posting date.
- C. The DHCFP Coordinator and PBM shall be responsible for developing an agenda for each Silver State Scripts Board meeting. The agenda, along with Exhibits of proposals from DHCFP or its PBM shall be distributed to each member not later than 15 business days prior to each meeting. (To the greatest extent possible, Exhibits shall be provided in electronic form or as a link to a website.) Any member of the Silver State Scripts Board may request the removal of an item from the DRAFT agenda if they conclude additional time or information is required. A FINAL agenda must be posted in accordance with the Open Meeting Law.
- D. The DHCFP Coordinator shall ensure that:
 - 1. Thirty (30) minutes prior to the beginning of the meeting, a sign-in sheet is available at the door where individuals, organizations, or agencies may sign up to make public comments during the meeting;
 - 2. Public comment is limited to five minutes per individual, organization, or agency (but may be extended at Chair's discretion), and

Section III. Exhibits, Proposals and Handouts

- A. Exhibits, proposals and handouts will include the following items, as applicable:
 - 1. Statement of need/purpose;
 - 2. History;
 - 3. Present policy or regulation, to include coverage and cost in other states and by Medicare and private insurance, if available;
 - 4. Reason for change/justification;
 - 5. Proposed policy or regulation change or adoption; and

6. Effect of change, to include potential cost and/or savings.
- B. Exhibits, proposals and handouts may be submitted to the Board for consideration, in accordance with the following guidelines:
 1. An electronic submission must be provided to the DHCFP Coordinator.
 - C. Documentation of a purely marketing or soliciting nature is discouraged.

Section IV. Briefings

The DHCFP Coordinator or elected staff will be available to update and report on pending issues of significance to the DHCFP and/or the Silver State Scripts Board. The Silver State Scripts Board may request briefings on specific topics.

Section V. Submission of Clinical Information

- A. Pharmaceutical manufacturers and special interest groups wishing to provide the Silver State Scripts Board with clinical information, questions or comments about the preferred drug list must make submissions directly to the DHCFP Coordinator for review and approval.
- B. Comments must be provided in electronic format and the pharmacy manufacturer or special interest groups are responsible for providing enough copies for all Silver State Scripts Board members.
- C. As noted in Article V, Section II, Part B of these Bylaws, drug classes to be reviewed shall be posted on the DHCFP website no later than 45 days prior to the scheduled meeting. Clinical information that manufacturers or special interest groups wish to have considered in the review process should be submitted to DHCFP's PBM no later than 15 days prior to the meeting.
- D. Information provided to DHCFP's PBM shall be summarized at a high level for review by members of the Silver State Scripts Board. Upon request of any of the Board members, additional details shall be provided including but not limited to ad hoc reports.

Section VI. Voting

- A. Each of the members constituting a quorum of the Silver State Scripts Board shall vote to approve or disapprove each action item on the agenda.
- B. An affirmative vote of a majority of all members of the Silver State Scripts Board is required to take action.

Section VII. Minutes

- A. A record of minutes of the Silver State Scripts Board meeting will be kept and made available in accordance with the Open Meeting Law.

1. The minutes may be a summary of discussions, but they must reflect the substance of matters proposed, discussed, or decided.
 2. The substance of public comment will be included if the member of the general public requests their comments to be included for the record.
- B. Minutes and other relevant materials shall be accessible via the DHCFP website. Individuals who do not have access to the Internet may request hard copies by calling the DHCFP at (775) 684-3605.

ARTICLE VI: COMPENSATION

Section I. Compensation

- A. Members of the Silver State Scripts Board serve without compensation.
- B. Each member of the Silver State Scripts Board who is an officer or employee of the State of Nevada or a local government must be relieved from his/her duties without loss of his regular compensation so that he/she may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A state agency or local governmental entity shall not require an officer or employee who is a member of the Silver State Scripts Board to make up the time that he/she is absent from work to carry out his/her duties as a member of the Board or to use annual vacation or compensatory time for the absence.

Section II. Per Diem and Other Expenses

A member of the Silver State Scripts Board is entitled, while engaged in the business of the Board, to receive travel expenses provided for state officers and employees generally, including per diem, transportation, lodging, and associated miscellaneous expenses.

ARTICLE VII: ADOPTION AND AMENDMENTS TO THE BYLAWS

Proposed amendments to these Bylaws must be submitted, in writing, to DHCFP 15 days in advance of a scheduled meeting in order to be acted upon. Approval by DHCFP shall be required to adopt a proposed amendment, and such amendments must be approved by the Director to become effective.

The Bylaws become effective as of the date they are approved by the Director. The Board will make note of the date of the adoption of bylaws in the meeting minutes.

SILVER STATE SCRIPTS BOARD DISCLOSURE AGREEMENT

The Purpose of this Silver State Scripts Board Disclosure Agreement is to require the individual completing this form to affirmatively identify any potential conflicts of interest of that individual with respect to matters coming before the Silver State Script Board to ensure that information considered by the Board is evaluated in an impartial manner.

CONFLICT OF INTEREST:

1. An appointed member to the Silver State Scripts Board must be free of personal financial interests and other relationships that may conflict with the Board's duties.
2. A Silver State Scripts Board member must not have a financial relationship with or an ownership interest or other interest in a pharmaceutical manufacturer or labeler, or with an entity the DHCFP has engaged to assist in developing the preferred drug lists or in administering the Board. A financial interest may include, but is not limited to: being employed by, being on retainer, having research or honoraria paid by, or receiving other forms of remuneration from any organization that may have a direct or indirect interest in business that may be considered by the Board.
3. A person who is being considered for appointment to the Silver State Scripts Board must report any new or existing financial relationship, ownership, interest or other interest that the board member holds or has held within the two-year (24 months) period immediately preceding the board member's appointment. If any conflict of interest information changes during the member's appointment, the member must notify the DHCFP within 15 business days of the change.
4. A Board member may not disclose any financial or confidential information or agency-generated information in draft form acquired through his or her board membership, unless the DHCFP has released and made the information or document public and/or the DHCFP Coordinator has approved the release in writing. This requirement survives the member's tenure on the Board. For purposes of the Disclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPPA), information that has commercial value or use, such as drug pricing, trade secrets, and information communicated in the confidence by the DHHS System.
5. The Silver State Scripts Board and its members may not claim or appear to represent DHCFP or the Board in any legislative or advocacy activity without approval from the DHCFP Coordinator and the Director. A member may, however, represent him or herself or another entity in the legislative or advocacy process.

DISCLOSURE

I do **not** have a current or recent (within the last 24 months) financial relationship or affiliation with any organization that may have a direct or indirect interest in the business before the Silver State Scripts Board.

I **have** a financial relationship or affiliation with an organization(s) in the past 24 months that may have a direct or indirect interest in the business before the Silver State Scripts Board. **Please complete table below.**

Organization	Role / Relationship

* Attach additional pages as needed.

MEMBER ATTESTATION

I attest that I have been provided a copy of the Silver State Scripts Board Bylaws and that all information contained in this Disclosure Agreement is true and correct. I will report to the DHCFP any changes in my employment or conflict of interest information within 15 business days of the change. I understand that I have an ongoing obligation to disclose any information that would or could appear to impact my service as a member of the Silver State Scripts Board.

Printed Name of Board Member / Applicant

Signature of Board Member/Applicant

Date