

**Council On Medicaid Pharmacy Reimbursement**  
**Louisiana Department of Health**

**BYLAWS**

The Louisiana Department of Health has established the Council on Medicaid Pharmacy Reimbursement (“Council”), as mandated by Act 292 of the Regular Session of the 2022 Louisiana Legislature. The Statutory Authority for the Council is La. R.S. 46:460.37.

**ARTICLE I. STATEMENT OF PURPOSE**

The purpose of the Council, as mandated by statute, is to:

1. Review Medicaid pharmacy reimbursement data and trends and establish a process by which pharmacists can provide information showing that current reimbursement does not cover the reasonable and appropriate cost for a specific pharmaceutical.
2. Provide a platform for pharmacists to submit ideas and express concerns and venue for public testimony on Medicaid reimbursements.
3. Make recommendations to the secretary regarding needed changes to Medicaid pharmacy reimbursement policies and procedures, including but not limited to enhanced reimbursements for specific pharmaceuticals upon a showing that the current reimbursement does not cover the reasonable and appropriate costs and inhibits patient access to prescribed, medically necessary pharmaceuticals.
4. Advise the secretary on alleged violations committed by Medicaid managed care organizations, pharmacy benefit managers, or any other entity that provides any service related to prescription drug administration or benefits.
5. Make annual recommendations to the secretary regarding the implementation and administration of a Medicaid medication therapy management program pursuant to R.S. 46:153.3.1.
6. Any other task related to the Medicaid pharmacy program, including but not limited to Medicaid prescription drug administration, drug rebates, and reimbursement.

The Council will consider, and provide for, any declaration of emergency as called for by the Governor.

**ARTICLE II. MEMBERSHIP**

Section 1. The Council shall be composed of eleven (11) members that serve without compensation.

Section 2. The Council shall be comprised of the following members:

- (1) The Medicaid director of the Louisiana Department of Health or his designee.
- (2) The president of the Louisiana Pharmacists Association or his designee.

- (3) The president of the Louisiana Independent Pharmacies Association or his designee.
- (4) A representative of the Louisiana Alliance of Retail Pharmacies appointed by the executive director of the Louisiana Retailers Association.
- (5) The president of the National Association of Chain Drug Stores or his designee.
- (6) One pharmacist appointed by the chairman of the Senate Committee on Health and Welfare.
- (7) One physician appointed by the chairman of the Senate Committee on Health and Welfare.
- (8) One pharmacist appointed by the chairman of the House Committee on Health and Welfare.
- (9) One physician appointed by the chairman of the House Committee on Health and Welfare.
- (10) Two licensed pharmacists appointed by the Louisiana Board of Pharmacy who are not currently serving on the board. The board shall strive to ensure its appointments demonstrate race, gender, ethnic, and geographical diversity.

Section 3. Members of the council provided for in Section 2, (1) through (5), shall serve a term concurrent with their tenure in the qualifying office. Appointed members of the council provided for in Section 2, (6) through (10), shall serve at the pleasure of the appointing authority. Designees of members shall serve at the pleasure of the designating member not to exceed the term of the designating member.

Section 4. Appointed members of the council provided in Section 2, (6) through (10), shall be licensed and in good standing with their respective licensing board, actively engaged in their profession, and participating in the Medicaid program.

Section 5. A member shall be removed from the Council for any of the following reasons:

- (1) Absence from three consecutive meetings without contacting the Chair or LDH staff with a satisfactory explanation. A member attending by teleconference or video conference is considered in attendance but not counted as part of the quorum. However, you can listen.
- (2) Receipt of a letter of resignation from the member.

Section 6. It will be the Chair's responsibility to contact the Council member who has three consecutive absences. The Chair may delegate someone to contact the member.

### **ARTICLE III. OFFICERS**

Section 1. There shall be two officers of the Council. These shall be designated as the Chair and the Vice-Chair. The Council members shall elect a chair and vice-chair.

Section 2. The Council members shall establish the duties of the chair and vice-chair.

- Section 3. The Chair's duties are to establish a date, time, and place for meetings of the council with the assistance of LDH staff. The Chair shall preside over the meetings. The Chair shall prepare agendas with the assistance of LDH staff.
- Section 4. The Vice-Chair shall exercise all powers of the Chair in the event of the absence of or inability of the Chair to serve and shall perform other duties as the Chair may assign.

#### **ARTICLE IV. MEETINGS**

- Section 1. The Council shall meet at least quarterly or as prescribed by the Chair.
- Section 2. Special meetings of the Council may be called by the Chair or upon the written request of at least three (3) members of the Council. The Chair shall schedule the Special meeting no later than twenty (20) days after receipt of the written request. Only agenda items will be considered unless a non-agenda item is added by consent of members present.
- Section 3. Council members may serve on committees established for the purpose of assisting the Council in the review of matters appropriately before the Council or deemed necessary by the Chair. The Chair shall designate a minimum of two (2) Council members to serve on a committee at the pleasure of the Chair. Each committee shall keep regular minutes of its meetings and report the same to the Council at the following regularly scheduled meeting.
- Section 4. All meetings of the Board and any committees shall be subject to the Open Meetings Law, R.S. 42:11 et seq.
- Section 5. In accordance with R.S. 42:14, all Council meetings subject to R.S. 42:19(A), shall provide an opportunity for public comment at such meeting, subject to reasonable rules, regulations, and restrictions as adopted by the Council.

#### **ARTICLE V. VOTING**

- Section 1. Active members shall carry an equal vote. Six (6) members shall constitute a quorum to transact all business. Members participating in a meeting by teleconference or video conference shall not carry a vote. Voting shall follow the majority rule method.

#### **ARTICLE VI. ELECTRONIC COMMUNICATIONS.**

- Section 1. The Council or any committee may receive public comment by electronic means, including teleconference or video conference, prior to and during the meeting. The Council shall properly identify and acknowledge all public comments and shall

maintain those comments in its record of the meeting. The Chair shall ensure each person participating in the meeting is properly identified and all parts of the meeting are clear and audible to all participants, including the public.

- Section 2. For the purposes of these Bylaws, "teleconference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other; "video conference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

#### **ARTICLE VII. COUNCIL SUPPORT**

- Section 1. LDH staff shall notify Council members of the date, time, and place for meetings. Staff shall submit an agenda and draft minutes one week in advance of scheduled meeting, if possible. Staff shall prepare an agenda and meeting minutes for the Chair's review two weeks in advance of the scheduled meetings, if possible. The agenda and informational materials will be forwarded to the Council members in advance of the scheduled meetings, if possible.
- Section 2. LDH staff will assist the council members with research of the Medicaid pharmacy program and final preparation of documents. Each issue presented for consideration by the Council shall be accompanied by adequate background information.
- Section 3. LDH staff will assist with preparation of Council recommendations for presentation to the LDH Secretary.

#### **ARTICLE VIII. RULES OF ORDER**

- Section 1. The rules contained in Robert's Revised Rules of Order shall govern the Council in cases to which they are applicable, and in which they are not inconsistent with the bylaws of the Council.

#### **ARTICLE IX. AMENDMENT OF BYLAWS**

- Section 1. These bylaws may be amended by a majority of voting members. The Chair shall provide a copy of proposed amendments to each Council member at least two (2) weeks prior to voting on the amendments.