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SENATE BILL 588

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO HEALTH CARE; ESTABLISHING A PHARMACY AND
THERAPEUTICS COMMITTEE; ENACTING SECTIONS OF THE NMSA 1978;
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. ~~[NEW MATERIAL]~~ PHARMACY AND THERAPEUTICS
COMMITTEE- - MEMBERSHIP. - -

A. The "pharmacy and therapeutics committee" is
created. The department of health shall provide administrative
services to the committee. The committee shall be composed of
eleven members experienced in evidence-based medicine as
follows:

(1) four physicians, as follows:

(a) the dean of the university of New
Mexico school of medicine or a designee from that faculty;

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1 (b) the chief medical officer of the
2 department of health or a designee from that staff;

3 (c) one physician selected by the New
4 Mexico medical board, who is not employed by or contracted with
5 a New Mexico medicaid provider in any administrative capacity;
6 and

7 (d) one physician who is a member of a
8 statewide association of psychiatric practitioners, who is not
9 employed by or contracted with a New Mexico medicaid provider
10 in any administrative capacity;

11 (2) five pharmacists, as follows:

12 (a) the dean of the university of New
13 Mexico school of pharmacy or a designee from that faculty;

14 (b) the chief pharmacist of the
15 department of health or a designee from that staff;

16 (c) the chief pharmacist from the human
17 services department or a designee from that staff;

18 (d) a pharmacist selected by the board
19 of pharmacy who is not employed by or contracted with a New
20 Mexico medicaid provider in any administrative capacity; and

21 (e) a pharmacist who is a member of a
22 statewide association of pharmacists who is not employed by or
23 contracted with a New Mexico medicaid provider in any
24 administrative capacity; and

25 (3) two practitioners licensed to prescribe

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1 drugs, neither of whom is employed by or contracted with in any
2 administrative capacity by a New Mexico medicaid provider, as
3 follows:

4 (a) one advanced practice nurse selected
5 by the board of nursing; and

6 (b) one non-physician, non-pharmacist
7 health care practitioner with prescriptive authority.

8 B. Of the eleven members of the pharmacy and
9 therapeutics committee, two physicians, two pharmacists and one
10 licensed practitioner, appointed pursuant to Paragraph (3) of
11 Subsection A of this section, shall be appointed for one-year
12 terms. One physician and two pharmacists shall be appointed to
13 two-year terms. The remaining members' appointments shall be
14 made for three-year terms.

15 C. Members designated in Subparagraphs (c) and (d)
16 of Paragraph (1), Subparagraphs (d) and (e) of Paragraph (2)
17 and Paragraph (3) of Subsection A of this section shall be
18 appointed by and serve at the pleasure of the secretary of
19 health.

20 D. Members of the pharmacy and therapeutics
21 committee may receive per diem and mileage as provided in the
22 Per Diem and Mileage Act.

23 Section 2. [NEW MATERIAL] DUTIES. --

24 A. The pharmacy and therapeutics committee shall:

25 (1) conduct drug utilization review on a

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1 prospective, concurrent and retrospective basis, including
2 trend analysis;

3 (2) conduct pharmacoeconomic research and
4 analysis of the clinical safety, efficacy and effectiveness of
5 drugs within a therapeutic class of drugs;

6 (3) consult with specialists in appropriate
7 fields of medicine for each therapeutic class of drugs;

8 (4) recommend continuing education activities
9 and develop communication protocols to disseminate research
10 findings to health care professionals and the public; and

11 (5) conduct other activities as needed to
12 ensure optimal therapeutic and cost-effective utilization of
13 prescription and non-prescription drugs by consumers.

14 B. The pharmacy and therapeutics committee shall
15 make recommendations to affected state agencies on the
16 development of the preferred drug list required by Section
17 27-2-12.13 NMSA 1978, including:

18 (1) recommend therapeutic classes of drugs,
19 including specific drugs within each class to be included in
20 the preferred drug list;

21 (2) identify appropriate exclusions from the
22 preferred drug list;

23 (3) conduct clinical reviews of preferred and
24 non-preferred drugs as needed to maintain the preferred drug
25 list;

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1 (4) conduct clinical reviews for new drugs;
2 and

3 (5) provide advice to the human services
4 department regarding all aspects of the preferred drug list
5 program, including the proper utilization, quality, therapy,
6 medical appropriateness and costs of prescribed medication.

7 C. The pharmacy and therapeutics committee may
8 contract with a national center for evidence-based medical
9 science to accomplish the duties identified in Paragraph (2) of
10 Subsection A and Paragraph (3) of Subsection B of this section,
11 provided that the contractor discloses any conflict of
12 interest.

13 D. Notwithstanding the provisions of Section
14 10-15-3 NMSA 1978, activities of the pharmacy and therapeutics
15 committee may be exempted if and only when proprietary or
16 nonpublished data are to be used in the evaluation of drugs.

17 Section 3. A new section of the Public Assistance Act is
18 enacted to read:

19 "[NEW MATERIAL] PREFERRED DRUG LIST-- EFFICIENCY OF
20 EFFORT. --

21 A. The preferred drug list required to be created
22 for the medicaid program pursuant to Paragraph (1) of
23 Subsection A of Section 27-2-12.13 NMSA 1978 and required to be
24 utilized for all state health care programs purchasing
25 prescription drugs pursuant to Paragraph (2) of Subsection A of

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1 that section shall utilize the findings of the pharmacy and
2 therapeutics committee in making its determinations for use by
3 the medicaid program and all other state prescription drug
4 programs.

5 B. The department, in creating a preferred drug
6 list, shall not adopt as the preferred drug list or a part of
7 the preferred drug list a list of drugs proposed or offered by
8 a person that, directly or indirectly contracts with the
9 department to provide services under the medicaid program "

10 Section 4. APPROPRIATION. -- Fifty thousand dollars
11 (\$50,000) is appropriated from the general fund to the
12 department of health for expenditure in fiscal year 2006 to
13 provide administrative services and per diem and mileage for
14 the pharmacy and therapeutics committee. Any unexpended or
15 unencumbered balance remaining at the end of fiscal year 2006
16 shall revert to the general fund.