

**PRESCRIPTION DRUG AFFORDABILITY BOARD MEETING**  
**Monday, September 18, 2023**  
**Minutes**

**AGENDA ITEM 1**

**Call Meeting to Order**

Chair Van Mitchell called the meeting to order at 2:00 P.M.

**Board Members present:** Van Mitchell, Gerard Anderson, Ph.D., Eberechukwu Onukwugha, MS, Ph.D., Joseph Levy, Ph.D., Stephen Rockower, M.D.

**AGENDA ITEM 2**

**July 24, 2023 Meeting Minutes**

Chair Mitchell asked for a motion to approve the July 24, 2023 meeting minutes as submitted. Dr. Anderson made the motion, which Dr. Rockower seconded, and the Board unanimously approved the minutes.

**Action: Minutes APPROVED.**

**AGENDA ITEM 3**

**September 13, 2023 Meeting Minutes**

Chair Mitchell asked for a motion to approve the September 13, 2023 meeting minutes as submitted. Dr. Anderson made the motion, which Dr. Rockower seconded, and the Board unanimously approved the minutes.

**Action: Minutes APPROVED.**

**AGENDA ITEM 4**

**Opportunity for Public Comment**

No persons registered to provide public comment.

## **AGENDA ITEM 5**

### **Upper Payment Action Plan Presentation**

Executive Director Andrew York provided a sample framework for establishing an Upper Payment Limit. The presentation focused on how to identify drugs for which a UPL may be appropriate, how to set up a UPL, and how to apply a UPL. Dr. York discussed how the Board may evaluate manufacturer market power or gross-to-net bubble in determining which drugs are appropriate for an UPL. Executive Director York also discussed how the Board may set UPLs by reviewing other countries' UPL decision-making and other methodologies such as drug payment systems, efficiency frontiers, modifications after assessments such as budget assessments, rate of return, and penalties for anticompetitive behavior. Dr. York further discussed the various ways a UPL may be implemented such as payment amounts, rebates, and charge-backs and detailed the pros and cons of each implementation strategy. Dr. York noted that the impact of UPLs across the supply chain is complex and discussed how other countries regulate manufacturer pricing. He also flagged the challenges and differences regarding UPLs for non-Medicaid government programs compared to Medicaid programs and governmental purchasers.

The Board had a robust discussion concerning the possible UPL framework based on Dr. York's presentation.

The presentation is available on the Board's website.

## **AGENDA ITEM 6**

### **Administrative Update**

- Dr. York advised that COMAR 14.01.03.01-.05 (Prescription Drug Affordability Fund) and COMAR 14.01.02.02 (Public Information Act) were adopted and will be published in the Maryland Register on September 22, 2023.
- The FY 24 Fee Assessment will be released at the end of this month.
- Staff successfully interviewed applicants for the Health Policy Analyst vacancy, and have extended an offer to a potential new employee.

## **AGENDA ITEM 7**

### **Chair's Update**

- Chair Mitchell advised that beginning January 2024 meetings will be held in person at the Amos Room in Annapolis.
- Additionally, staff has established a general phone line to manage incoming communications regarding the Fee Assessment as well as other work of the Board.
- Chair Mitchell and Jim Johnson have successfully closed out the FY 23 fiscal year, as well as budgeted money for an updated website hosting.
- Chair Mitchell advised that the next Board meeting will be held virtually on November 27, 2023.

## **AGENDA ITEM 8**

### **Adjournment**

Chair Mitchell asked for a motion to adjourn. Dr. Anderson made the motion which Dr. Rockower seconded.

**Adjourned at 3:44 PM**