

PRESCRIPTION DRUG AFFORDABILITY BOARD MEETING

Monday, November 27, 2023

Minutes

Chair Van Mitchell called the meeting to order at 2:03 PM.

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

AGENDA ITEM 2

Approval of minutes

A. September 18, 2023 Meeting Minutes

Chair Mitchell asked for a motion to approve the September 18, 2023 meeting minutes as submitted. Gerard Anderson made the motion, which Joseph Levy seconded, and the Board unanimously approved the minutes.

Action: Minutes APPROVED.

B. April 18, 2023 Closed Session Meeting Minutes

Chair Mitchell asked for a motion to approve the April 18, 2023 closed meeting minutes as submitted. Gerard Anderson made the motion, which Stephen Rockower seconded, and the Board unanimously approved the minutes.

Action: Minutes APPROVED.

AGENDA ITEM 3

Opportunity for Public Comment

Board Chair Mitchell stated that public comment will be managed in the same manner as the General Assembly—the time for oral public comment will be limited and the public is encouraged to submit written comment. Chair Mitchell stated that all persons commenting should identify any conflict of interest with respect to the commentator's employment. Staff received seven written comments that have been provided to the Board and posted to the website. Five persons registered to provide oral public comment. Each commenter had one minute and thirty seconds to speak.

Registered persons provided public comment as follows:

- Lindsey Ahmad-did not appear to provide comment
- Mary Antonucci-speaking as caregiver for consumer- Upper Payment Limits

- Scott Bertani- speaking on behalf of Health HIV/AIDS Institute- Upper Payment Limits
- Bishop Larry Lee Thomas Sr- speaking as consumer and Pastor in Anne Arundel County- Cost Review Study Process
- Amani Whitfield-did not appear to provide comment

AGENDA ITEM 4

Update: Upper Payment Limit Action Plan

Dr. York provided an update on the Upper Payment Limit Action Plan. The last two meetings the Board worked through high level decisions on how to implement UPLs. The Board will select unaffordable drugs as part of the cost review process and make proactive decisions on whether a UPL should apply. There is support from the Board that UPL savings should go to the patients. Currently, there is no specific UPL methodology and the staff will continue to provide information to the Board to develop a methodology. Lastly, there was discussion about how UPLs may be implemented for state and local government, and the Board members indicated they are generally supportive of implementing UPLs through rebates and other policies. The next step is for staff to draft an Upper Payment Limit Action plan and seek stakeholder feedback. PDAB is accepting comments concerning UPL implementation.

AGENDA ITEM 5

Regulations

A. 14.01.01 General Provisions

i. Final Action

Chair Mitchell asked for a motion on 14.01.01 General Provisions, final action as proposed. Gerard Anderson made the motion which Stephen Rockower seconded. There were no questions or discussion. With no opposition, the Board unanimously voted to approve, 14.01.01 General Provisions.

Action: COMAR 14.01.01 General Provisions APPROVED as Final.

B. 14.01.04 Cost Review Study Process

i. Final Action

Chair Mitchell asked for a motion for a motion to approve 14.01.04 Cost Review Study Process with a non-substantive change. Stephen Rockwer made the motion which Gerard Anderson seconded. There were no questions or discussion. With no opposition, the Board unanimously voted to approve 14.01.04 Cost Review Study Process, with non substantive changes.

Action: 14.01.04 Cost Review Study Process, with non-substantive change, APPROVED as Final.

AGENDA ITEM 6

Approval of Board Reports

A. 2023 Cost Review Report (Health-General Art. § 21-2C-09)

Dr. York explained that PDAB submits an annual report to the legislature (Senate Finance and House- Health and Government Operations Committees) identifying price trends for prescription drug products, the number of drugs subject to a cost review study and the results of those studies, and any legislative recommendations. PDAB staff worked with available information to complete the report and made no recommendations for legislation at this time. PDAB anticipates a more substantive report at the end of CY 2025.

Chair Mitchell asked for a motion to approve the 2023 Cost Review Report (Health-General Art. § 21-2C-09). Gerard Anderson made the motion which Joseph Levy seconded.

The Board asked questions concerning the availability of data, and analytic capability. PDAB staff addressed those questions and further explained that some data analysis will be done in-house and some by a contractor under a data analytics agreement that is currently in development. Chair Mitchell tasked PDAB staff to provide the Board with a timeline concerning the data analytic contracts.

Chair Mitchell then proceeded with the vote. With no opposition, the Board unanimously approved the 2023 Cost Review Report (Health-General Art. § 21-2C-09).

Action: 2023 Cost Review Report (Health-General Art. § 21-2C-09) APPROVED as Final.

AGENDA ITEM 7

Administrative Update

A. Prescription Drug Affordability Fund

- Dr. York advised that the FY24 fee assessment was due 11/3/23. Second notices for unpaid funds will go out in mid-December. Third notices will likely go out in January.
- PDAB paid back in full the funds (loan) advanced by the MHCC to support establishing and operating the PDAB for the first two years. There have not been any discussions with the current administration about adding state employee PINS to the PDAB.

B. 2024 General Session

- PDAB staff is very excited for the 2024 legislative session. Christina Shaklee serves as the legislative liaison and will report to the Board at upcoming meetings on pertinent legislation.
 - Chair Mitchell announced that public conversation cannot occur on legislation until bills are drafted and pre-filed or filed. Chair Mitchell asked PDAB staff to send any pertinent bill information to be sent to the Board as it becomes available and is in public space.
 - Dr. York introduced Krishna Dutt, the new Health Policy Data Analyst.
 - Ms. Shaklee announced that there will be a PDASC meeting on December 18, 2023 at 2:00 PM.
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- Chair Mitchell utilized his prerogative as chair to ask the Board members for any additional comments.
 - Gerard Anderson provided feedback on the cost review process, specifically the category of drugs.
 - Dr. York will provide a cost review timeline and contracts timeline to the Board. Chair Mitchell also asked PDAB staff to include in those timelines the plan to get DBM data for state employees and retirees.
 - Chair Mitchell explained to the Board that he meets with PDAB staff every other week and if Board members have any agenda items to send those items to him to discuss with the staff.
 - At this time this Board will continue to meet on a bi-monthly basis with special meetings as necessary.
 - 2024 Board meeting dates are posted on the website and will be in person at the Senate Building in the Amoss Room in Annapolis.

AGENDA ITEM 8

Adjournment

Chair Mitchell advised that the next regularly scheduled meeting will be held on January 29, 2023. Chair Mitchell adjourned the meeting.

Adjourned at 2:52 PM.