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P.L. 2003, CHAPTER 262, *approved January 14, 2004*
Senate, No. 2094 (*First Reprint*)

1 AN ACT concerning membership of the Drug Utilization Review Board
2 and amending P.L.1998, c.41.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1998, c.41 (C.30:4D-17.17a) is amended to
8 read as follows:

9 2. a. There is established the Drug Utilization Review Board in the
10 department to advise the department on the implementation of a drug
11 utilization review program pursuant to P.L.1993, c.16 (C.30:4D-17.16
12 et seq.) and this section. The board shall establish a Senior Drug
13 Utilization Review Committee to address the specific prescribing
14 needs of the elderly and an AIDS/HIV Drug Utilization Review
15 Committee to address the specific prescribing needs of persons with
16 AIDS/HIV, in addition to such other committees as it deems
17 necessary. It shall be the responsibility of each committee to evaluate
18 the specific prescribing needs of its beneficiary population, and to
19 submit recommendations to the board in regard thereto.

20 The board shall consist of **[15]** 17 members, including the
21 Commissioners of Human Services and Health and Senior Services or
22 their designees, who shall serve as **[a]** nonvoting ex officio members,
23 and **[13]** 15 public members. The public members shall be appointed
24 by the Governor with the advice and consent of the Senate. The
25 appointments shall be made as follows: six persons licensed and
26 actively engaged in the practice of medicine in this State, including
27 one who is a psychiatrist and¹ at least two who specialize in geriatric
28 medicine and two who specialize in AIDS/HIV care, one of whom
29 who is a pediatric AIDS/HIV specialist, four of whom shall be
30 appointed upon the recommendation of the Medical Society of New
31 Jersey and two upon the recommendation of the New Jersey
32 **[Osteopathic] Association of Osteopathic Physicians and Surgeons**;
33 one person licensed as a physician in this State who is actively engaged
34 in academic medicine; four persons licensed in and actively practicing
35 or teaching pharmacy in this State, who shall be appointed from a list
36 of pharmacists recommended by the New Jersey Pharmacists
37 Association, the New Jersey Council of Chain Drug Stores, the Garden
38 State Pharmacy Owners, Inc., the New Jersey Society of Hospital
39 Pharmacists, the Academy of Consultant Pharmacists and the College
40 of Pharmacy of Rutgers, The State University; one additional health

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted December 15, 2003.

1 care professional; two persons certified as advanced practice nurses in
2 this State, who shall be appointed upon the recommendation of the
3 New Jersey State Nurses Association; and one member to be
4 appointed upon the recommendation of the Pharmaceutical Research
5 and Manufacturers of America.

6 Each member of the board shall have expertise in the clinically
7 appropriate prescribing and dispensing of outpatient drugs.

8 b. All appointments to the board shall be made no later than the
9 60th day after the effective date of this act. The public members shall
10 be appointed for two-year terms and shall serve until a successor is
11 appointed and qualified, and are eligible for reappointment; except that
12 of the public members first appointed, eight shall be appointed for a
13 term of two years and five for a term of one year.

14 c. Vacancies in the membership of the board shall be filled in the
15 same manner as the original appointments were made but for the
16 unexpired term only. Members of the board shall serve with
17 compensation for the time and expenses incurred in the performance
18 of their duties as board members, as determined by the Commissioners
19 of Human Services and Health and Senior Services, subject to the
20 approval of the Director of the Division of Budget and Accounting in
21 the Department of the Treasury.

22 d. The board shall select a chairman from among the public
23 members, who shall serve a one-year term, and a secretary. The
24 chairman may serve consecutive terms. The board shall adopt by-laws.
25 The board shall meet at least quarterly and may meet at other times at
26 the call of the chairman. The board shall in all respects comply with
27 the provisions of the "Open Public Meetings Act," P.L.1975, c.231
28 (C.10:4-6 et seq.). No motion to take any action by the board shall be
29 valid except upon the affirmative vote of a majority of the authorized
30 membership of the board.

31 e. The duties of the board shall include the development and
32 application of the criteria and standards to be used in retrospective and
33 prospective drug utilization review. The criteria and standards shall
34 be based on the compendia and developed with professional input in
35 a consensus fashion. There shall be provisions for timely reassessments
36 and revisions as necessary and provisions for input by persons acting
37 as patient advocates. The drug utilization review standards shall
38 reflect the local practices of prescribers, in order to monitor:

- 39 (1) therapeutic appropriateness;
- 40 (2) overutilization or underutilization;
- 41 (3) therapeutic duplication;
- 42 (4) drug-disease contraindications;
- 43 (5) drug-drug interactions;
- 44 (6) incorrect drug dosage;
- 45 (7) duration of drug treatment; and
- 46 (8) clinical drug abuse or misuse.

1 The board shall recommend to the department criteria for denials
2 of claims and establish standards for a medical exception process. The
3 board shall also consider relevant information provided by interested
4 parties outside of the board and, if appropriate, shall make revisions
5 to the criteria and standards in a timely manner based upon this
6 information.

7 f. The board, with the approval of the department, shall be
8 responsible for the development, selection, application and assessment
9 of interventions or remedial strategies for prescribers, pharmacists and
10 beneficiaries that are educational and not punitive in nature to improve
11 the quality of care, including:

12 (1) Information disseminated to prescribers and pharmacists to
13 ensure that they are aware of the duties and powers of the board;

14 (2) Written, oral or electronic reminders of patient-specific or
15 drug-specific information that are designed to ensure prescriber,
16 pharmacist and beneficiary confidentiality, and suggested changes in
17 the prescribing or dispensing practices designed to improve the quality
18 of care;

19 (3) The development of an educational program, using data
20 provided through drug utilization review as a part of active and
21 ongoing educational outreach activities to improve prescribing and
22 dispensing practices as provided in this section. These educational
23 outreach activities shall include accurate, balanced and timely
24 information about drugs and their effect on a patient. If the board
25 contracts with another entity to provide this program, that entity shall
26 publicly disclose any financial interest or benefit that accrues to it from
27 the products selected or used in this program;

28 (4) Use of face-to-face discussion between experts in drug therapy
29 and the prescriber or pharmacist who has been designated by the board
30 for educational intervention;

31 (5) Intensified reviews or monitoring of selected prescribers or
32 pharmacists;

33 (6) The timely evaluation of interventions to determine whether the
34 interventions have improved the quality of care; and

35 (7) The review of case profiles prior to the conducting of an
36 intervention.

37 (cf: P.L.1998, c.41, s.2)

38

39 2. This act shall take effect immediately.

40

41

42

43 _____
44 Increases membership of Drug Utilization Review Board to include
two advanced practice nurses.

SENATE, No. 2094

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED NOVEMBER 18, 2002

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

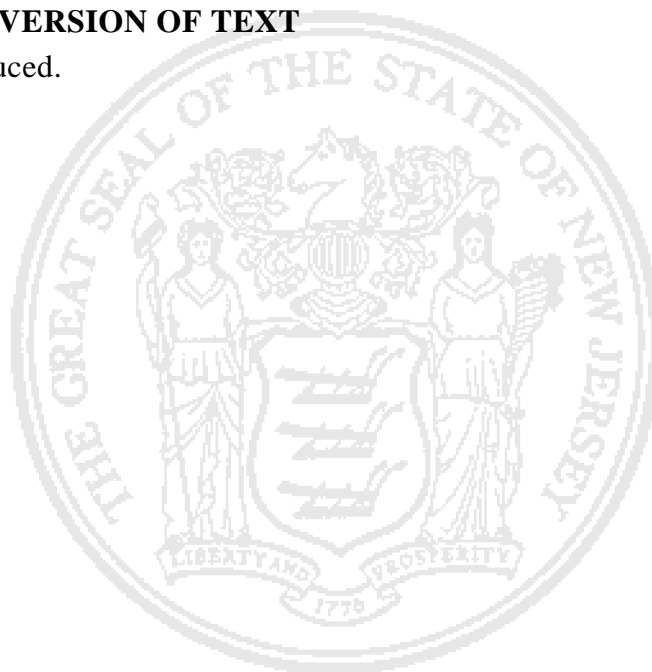
Senator Buono

SYNOPSIS

Increases membership of Drug Utilization Review Board to include two advanced practice nurses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning membership of the Drug Utilization Review Board
2 and amending P.L.1998, c.41.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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11 utilization review program pursuant to P.L.1993, c.16 (C.30:4D-17.16
12 et seq.) and this section. The board shall establish a Senior Drug
13 Utilization Review Committee to address the specific prescribing
14 needs of the elderly and an AIDS/HIV Drug Utilization Review
15 Committee to address the specific prescribing needs of persons with
16 AIDS/HIV, in addition to such other committees as it deems
17 necessary. It shall be the responsibility of each committee to evaluate
18 the specific prescribing needs of its beneficiary population, and to
19 submit recommendations to the board in regard thereto.

20 The board shall consist of **[15]** 17 members, including the
21 Commissioners of Human Services and Health and Senior Services or
22 their designees, who shall serve as **[a]** nonvoting ex officio members,
23 and **[13]** 15 public members. The public members shall be appointed
24 by the Governor with the advice and consent of the Senate. The
25 appointments shall be made as follows: six persons licensed and
26 actively engaged in the practice of medicine in this State, including at
27 least two who specialize in geriatric medicine and two who specialize
28 in AIDS/HIV care, one of whom who is a pediatric AIDS/HIV
29 specialist, four of whom shall be appointed upon the recommendation
30 of the Medical Society of New Jersey and two upon the
31 recommendation of the New Jersey **[Osteopathic]** Association of
32 Osteopathic Physicians and Surgeons; one person licensed as a
33 physician in this State who is actively engaged in academic medicine;
34 four persons licensed in and actively practicing or teaching pharmacy
35 in this State, who shall be appointed from a list of pharmacists
36 recommended by the New Jersey Pharmacists Association, the New
37 Jersey Council of Chain Drug Stores, the Garden State Pharmacy
38 Owners, Inc., the New Jersey Society of Hospital Pharmacists, the
39 Academy of Consultant Pharmacists and the College of Pharmacy of
40 Rutgers, The State University; one additional health care professional;
41 two persons certified as advanced practice nurses in this State, who
42 shall be appointed upon the recommendation of the New Jersey State
43 Nurses Association; and one member to be appointed upon the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 recommendation of the Pharmaceutical Research and Manufacturers
2 of America.

3 Each member of the board shall have expertise in the clinically
4 appropriate prescribing and dispensing of outpatient drugs.

5 b. All appointments to the board shall be made no later than the
6 60th day after the effective date of this act. The public members shall
7 be appointed for two-year terms and shall serve until a successor is
8 appointed and qualified, and are eligible for reappointment; except that
9 of the public members first appointed, eight shall be appointed for a
10 term of two years and five for a term of one year.

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15 of their duties as board members, as determined by the Commissioners
16 of Human Services and Health and Senior Services, subject to the
17 approval of the Director of the Division of Budget and Accounting in
18 the Department of the Treasury.

19 d. The board shall select a chairman from among the public
20 members, who shall serve a one-year term, and a secretary. The
21 chairman may serve consecutive terms. The board shall adopt by-laws.
22 The board shall meet at least quarterly and may meet at other times at
23 the call of the chairman. The board shall in all respects comply with
24 the provisions of the "Open Public Meetings Act," P.L.1975, c.231
25 (C.10:4-6 et seq.). No motion to take any action by the board shall be
26 valid except upon the affirmative vote of a majority of the authorized
27 membership of the board.

28 e. The duties of the board shall include the development and
29 application of the criteria and standards to be used in retrospective and
30 prospective drug utilization review. The criteria and standards shall
31 be based on the compendia and developed with professional input in
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33 and revisions as necessary and provisions for input by persons acting
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35 reflect the local practices of prescribers, in order to monitor:

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- 43 (8) clinical drug abuse or misuse.

44 The board shall recommend to the department criteria for denials
45 of claims and establish standards for a medical exception process. The
46 board shall also consider relevant information provided by interested

1 parties outside of the board and, if appropriate, shall make revisions
2 to the criteria and standards in a timely manner based upon this
3 information.

4 f. The board, with the approval of the department, shall be
5 responsible for the development, selection, application and assessment
6 of interventions or remedial strategies for prescribers, pharmacists and
7 beneficiaries that are educational and not punitive in nature to improve
8 the quality of care, including:

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10 ensure that they are aware of the duties and powers of the board;

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12 drug-specific information that are designed to ensure prescriber,
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15 of care;

16 (3) The development of an educational program, using data
17 provided through drug utilization review as a part of active and
18 ongoing educational outreach activities to improve prescribing and
19 dispensing practices as provided in this section. These educational
20 outreach activities shall include accurate, balanced and timely
21 information about drugs and their effect on a patient. If the board
22 contracts with another entity to provide this program, that entity shall
23 publicly disclose any financial interest or benefit that accrues to it from
24 the products selected or used in this program;

25 (4) Use of face-to-face discussion between experts in drug therapy
26 and the prescriber or pharmacist who has been designated by the board
27 for educational intervention;

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29 pharmacists;

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31 interventions have improved the quality of care; and

32 (7) The review of case profiles prior to the conducting of an
33 intervention.

34 (cf: P.L.1998, c.41, s.2)

35
36 2. This act shall take effect immediately.
37
38

39 STATEMENT
40

41 This bill expands the membership of the Drug Utilization Review
42 Board, established pursuant to N.J.S.A.30:4D-17.17a, to include two
43 certified advanced practice nurses, who shall be appointed to the board
44 by the Governor upon the recommendation of the New Jersey State
45 Nurses Association.

46 The Drug Utilization Review Board has review authority with

1 respect to the Medicaid program, PAAD, Senior Gold, the AIDS drug
2 distribution program and any other State and federally funded
3 pharmaceutical benefits program. The duties of the board include:
4 C the development and application of the criteria and standards to be
5 used in retrospective and prospective drug utilization review;
6 C recommendations to the Department of Human Services concerning
7 the criteria for denials of claims and standards for a medical
8 exception process; and
9 C responsibility for the development, selection, application and
10 assessment of educational interventions or remedial strategies for
11 prescribers, pharmacists and beneficiaries to improve the quality of
12 care.

13 Under current law, the membership of the board consists of the
14 Commissioners of Health and Senior Services and Human Services;
15 seven physicians, two of whom specialize in geriatric medicine and
16 two of whom specialize in AIDS/HIV care; four pharmacists; one
17 additional health care professional; and one representative from the
18 Pharmaceutical Research and Manufacturers of America.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2094

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2094.

As amended by committee, this bill expands the membership of the Drug Utilization Review Board, established pursuant to N.J.S.A.30:4D-17.17a, to include two certified advanced practice nurses, who shall be appointed to the board by the Governor upon the recommendation of the New Jersey State Nurses Association.

The Drug Utilization Review Board has review authority with respect to the Medicaid program, PAAD, Senior Gold, the AIDS drug distribution program and any other State and federally funded pharmaceutical benefits program. The duties of the board include:

- * the development and application of the criteria and standards to be used in retrospective and prospective drug utilization review;
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- * responsibility for the development, selection, application and assessment of educational interventions or remedial strategies for prescribers, pharmacists and beneficiaries to improve the quality of care.

Under current law, the membership of the board consists of the Commissioners of Health and Senior Services and Human Services; seven physicians, two of whom specialize in geriatric medicine and two of whom specialize in AIDS/HIV care; four pharmacists; one additional health care professional; and one representative from the Pharmaceutical Research and Manufacturers of America.

The committee amended the bill to specify that one of the physicians who is a public member of the board must be a psychiatrist.

As amended, this bill is identical to Assembly Bill No. 3498 (1R)(Blee/Quigley), which is pending before the General Assembly.

ASSEMBLY, No. 3498

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 5, 2003

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

SYNOPSIS

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CURRENT VERSION OF TEXT

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STATEMENT

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17 additional health care professional; and one representative from the
18 Pharmaceutical Research and Manufacturers of America.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3498

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 3498.

As amended by the committee, this bill expands the membership of the Drug Utilization Review Board, established pursuant to N.J.S.A.30:4D-17.17a, to include two certified advanced practice nurses, who are to be appointed to the board by the Governor upon the recommendation of the New Jersey State Nurses Association.

The bill further provides that one of the physicians who is a public member of the Drug Utilization Review Board must be a psychiatrist.

The board has review authority with respect to the Medicaid program, PAAD, Senior Gold, the AIDS drug distribution program and any other State and federally funded pharmaceutical benefits program. The duties of the board include:

- the development and application of the criteria and standards to be used in retrospective and prospective drug utilization review;
- recommendations to the Department of Human Services concerning the criteria for denials of claims and standards for a medical exception process; and
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Under current law, the membership of the board consists of: the Commissioners of Health and Senior Services and Human Services; seven physicians, two of whom specialize in geriatric medicine and two of whom specialize in AIDS/HIV care; four pharmacists; one additional health care professional; and one representative from the Pharmaceutical Research and Manufacturers of America.

As reported by the committee, this bill is similar to Senate Bill No. 2094 (Vitale/Rice), which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

COMMITTEE AMENDMENTS

The committee amendments to the bill stipulate that one of the physicians who is a public member of the Drug Utilization Review Board must be a psychiatrist.