



Oregon Prescription Drug Affordability Board Virtual Meeting
Wednesday, July 20, 2022 Minutes
Approved on August 3, 2022

Call to Order and Roll Call

Chair Akil Patterson called the meeting to order at 9:04 a.m. and called roll.

Board Members Present: Shelley Bailey, Richard Bruno, Akil Patterson.

Board Members Absent: Dr. Daniel Hartung (excused)

Alternates Present: Robert Judge, Rebecca Spain (arrived at 9:20am)

Approval of the Minutes

Chair Akil Patterson asked if board members had any changes to the June 23, 2022, minutes on Pages 3-6 in the packet posted online: <https://dfr.oregon.gov/pdab/Documents/20220720-PDAB-document-package.pdf>.

Hearing none, the chair asked for a motion to approve the minutes. Vice Chair Shelley Bailey moved to approve, and Dr. Bruno provided a second.

MOTION by Shelley Bailey to approve the minutes.

Board Roll Call Vote:

Yea: Shelley Bailey, Richard Bruno, Akil Patterson, Robert Judge.

Nay: None.

Motion passed.

Executive Session

The chair announced the board's adjournment to the executive session for legal advice pursuant to ORS 192.660(2)(h). The meeting was not open to the public except for the media and staff. No votes were taken.

Return to Open Session

The board returned to open session, and a roll call was taken. Shelley Bailey, Richard Bruno, Robert Judge, and Akil Patterson were present.

Program Update

Executive Director Ralph Magrish said the board added an August 3 meeting to discuss the Proposed Work Plan further. The National Academy for State Health Policy's Drug Pricing Center put out a request for a proposal for technical assistance for states with PDABs to support initiatives. Oregon looks forward to the opportunity to access that technical assistance this fall. The Colorado PDAB released draft affordability criteria at its July 15 meeting. The Oregon PDAB will look closely at the process and find ways to leverage lessons learned for Oregon.

The executive director let the board know about a recent report from the Cost Growth Target (CGT) Program housed at the Oregon Health Authority (OHA), a program with which the Oregon PDAB has a legislative reporting requirement with. According to the report, between 2013 and 2019, pharmacy costs per person rose from \$633 to \$1365 per year. The information source is Oregon All Payer All Claims Reporting Program. On the Medicaid side, pharmacy increased by 79 percent, from \$794 to \$2261 per person. This is pre-rebate information, and more evaluation of the data about cost and utilization will be informative, he said. PDAB staff has meetings with the CGT team about the data and upcoming deliverables.



Vice Chair Shelley Bailey asked if the data about post-rebate dollars would be available. Executive Director Magrish said it might be available through the Oregon All Payer All Claims Reporting Program. The vice chair said it is a meaningful part of the analysis and hopes the board can take advantage of it during reviews.

PDAB Policies and Procedures

PDAB Policy Amended: Board Policy Analyst Cortnee Whitlock brought back an amended PDAB policy approved by the board on June 23. The conflict of interest policy has been assigned a policy number and will be discussed at the August 3 board meeting. She reviewed the proposed changes on Pages 7-11 of the agenda packet posted here: <https://dfr.oregon.gov/pdab/Documents/20220720-PDAB-document-package.pdf>. In Section 10, staff added verbiage based on board feedback that the chair will select a voting member from the alternate members. She said that as soon as the board approves this amended policy, the chair can ask an alternate to vote. Section 11 changes a word from “may” to “will” regarding executive sessions for trade secrets. She scrolled through the remaining changes and said this amended policy would require a board vote.

Chair Patterson asked about the board voting on an amended policy before the board formalizes the conflict of interest policy. Cortnee Whitlock said the conflict of interest policy had been assigned a number, 03, and a placeholder has been included in the main policy. She said the board could table this portion until the next meeting. Chair Patterson thanked the staff for the clarification. The chair asked for any board discussion, and there was none. The chair called for a motion to accept the PDAB policy amendments, and Dr. Bruno so moved. Vice Chair Shelley Bailey provided a second. Chair Patterson asked for a roll call vote.

MOTION by Richard Bruno to approve the PDAB policy amended.

Board Roll Call Vote:

Yea: Shelley Bailey, Richard Bruno, Akil Patterson.

Nay: None.

Motion passed.

During the roll call vote, the board secretary called on Alternate Member Robert Judge before his appointment by the chair as a voting member due to the absence of member Daniel Hartung. DOJ Counsel Joanna Tucker Davis recommended Robert Judge withdraw his vote, which Robert Judge did. After the policy approval vote, Chair Patterson assigned voting rights to Robert Judge for the remainder of the meeting.

PDAB Draft Delegation Policy: Cortnee Whitlock, board policy analyst, said the draft delegation policy was presented at the June 23 meeting and tabled for further review. The policy’s purpose is to clarify when staff may perform work on behalf of the Prescription Drug Affordability Board and to provide guidance to the board regarding their duties and responsibilities. She reviewed the draft delegation policy on Pages 12-15 of the agenda packet posted here: <https://dfr.oregon.gov/pdab/Documents/20220720-PDAB-document-package.pdf>. In Section 3, language was added that third-party contractors are to disclose any conflict of interest prior to a contract agreement, and if any conflicts arise during the time of the contract, contractors will tell the staff so staff can let board members know. In Section 4, the primary update is in the contracting section and removed language that is not relevant in Oregon.

Chair Patterson acknowledged Dr. Rebecca Spain’s arrival to the meeting. The chair asked for a motion. Dr. Bruno moved to approve the policy with the changes as described, and Vice Chair Bailey provided a second. He asked for any board discussion, and there was none. Chair Patterson asked for a roll call vote. The chair noted again that Robert Judge has voting authority during today’s meeting.



MOTION by Shelley Bailey to approve the PDAB Delegation Policy.

Board Roll Call Vote

Yea: Richard Bruno, Shelley Bailey, Akil Patterson, Robert Judge.

Nay: None.

Motion passed.

Presentation of Proposed Work Plan

Project Manager Stephen Kooyman presented the proposed work plan to the board. He scrolled through the plan located on Pages 16-21 of the agenda packet posted here:

<https://dfr.oregon.gov/pdab/Documents/20220720-PDAB-document-package.pdf>. He said staff would present the plan today and bring it back to the Board for approval at the next meeting. He reviewed the board meeting schedule, timelines for annual studies and reports, and rules development. Cortnee Whitlock reviewed the goals on the 2022 roadmap and draft for the 2023 roadmap, including drug affordability reviews. The generic drug marketplace report is the first of four reports due at the end of the year. Affordability review criteria development and adoption of rules should be completed by June 1, 2023, and affordability reviews will not be completed until December 31, 2023.

Chair Patterson asked if Oregon passed an insulin policy last year. Director Magrish said Oregon instituted a cap on insulin for small group plans, impacting only about a quarter of Oregonians and did not impact Oregon Health Plan (OHP) members who are not subject to copays for prescriptions. Vice Chair Bailey asked if the 2023 focus is on generic medications only or will brand name medications be part of the board's cost analysis. Cortnee Whitlock said both would be reviewed. Ralph Magrish said there are separate legislative deliverables, one for a generic-specific marketplace report and one for an overall cost prescription drugs report.

Announcements

Ralph Magrish introduced TK Keen, administrator of the Division of Financial Regulation. Ralph Magrish said the two data analytics staff positions have been reposted. Application links can be found on the PDAB website: <https://dfr.oregon.gov/pdab/Pages/index.aspx>. The recruitment closed for the rural representative for the vacant board and alternate positions. Recommendations have been submitted to the governor's office and may be announced by August. The candidates will go through confirmation hearings September 21-23, in time for the October PDAB meeting.

Chair Patterson said the next meeting is August 3, 2022 at 9:30 a.m. He said the meeting is accessible to persons with disabilities. A request for hearing impaired assistance and accommodations for persons with disabilities may be made to Melissa Stiles by email at pdab@dcbs.oregon.gov or by phone at 971-374-3724. He said to sign up for public comment, email the request to the Prescription Drug Affordability Board at pdab@dcbs.oregon.gov 24 hours before the meeting. Include name, organization, and related agenda item. For written comments, submit 72 hours prior to scheduled meeting. Any written comments after 72 hours will be included for board consideration at the next meeting.

Public Comment

The Chair asked if any public comment requests were received 24 hours before the meeting. Staff confirmed no requests were received. The chair said someone had a hand raised in the meeting but because of stated guidance in the agenda on testimony sign-up had not been followed, the chair encouraged that person to submit a request to provide verbal testimony 24 hours before the August 3 meeting or submit written testimony 72 hours before the August 3 meeting. He said people are welcome to submit written comment anytime to the PDAB office.



Adjournment

There being no further business before the Board, the chair asked for a motion to adjourn the meeting at 9:53 a.m. Dr. Richard Bruno moved to adjourn, and Vice Chair Bailey provided a second.

MOTION by Richard Bruno to adjourn the meeting.

Board Roll Call Vote

Yea: Akil Patterson, Shelley Bailey, Richard Bruno, Dr. Rebecca Spain, Robert Judge.

Nay: None.

Motion passed.