

New York State Medicaid
 Drug Utilization Review (DUR) Board
 Meeting Summary for April 20, 2023

The Medicaid DUR Board met on Thursday, April 20, 2023, from 10:00am to 2:00pm.

The meeting was offered for public viewing by way of:

- Empire State Plaza, Concourse Level, Albany, NY
- SUNY at Buffalo, School of Pharmacy, Buffalo, NY
- SUNY Global Center, New York, NY
- St. John Fisher University, Rochester, NY
- Live webcast

[Meeting Documents](#)

[Meeting Webcast and Transcript](#)

A. Welcome and Introductions

Department of Health (DOH) - Empire State Plaza, Concourse Level, Albany

Douglas Fish – Medicaid Medical Director and DUR Board Chairperson

Kimberly Leonard – Medicaid Pharmacy Director

Monica Toohey

Barbara McRedmond

Robert Correia

Anthony Merola

Jacqueline Sexton

DUR Board Members

Participating Location

Lisa Anzisi

SUNY Global Center, New York

Donna Chiefari

Empire State Plaza, Albany

Marla Eglowstein

Empire State Plaza, Albany

Phillip Fleming

SUNY Global Center, New York

Renante Ignacio

SUNY Global Center, New York

Brock Lape

Empire State Plaza, Albany

Jill Lavigne

St. John Fisher University, Rochester

Peter Lopatka

Empire State Plaza, Albany

Jonathan Mizgala

Empire State Plaza, Albany

Jadwiga Najib

SUNY Global Center, New York

Michael Pasquarella

Empire State Plaza, Albany

Tara Thomas

Empire State Plaza, Albany

Deborah Wittman

SUNY Global Center, New York

SUNY at Buffalo – School of Pharmacy and Pharmaceutical Sciences

Kalpesh Desai

Michael Krajewski

Barbara Rogler

Tzu Yin Kuo

Irene Reilly

B. Public Comment Period

The following speakers provided public comment to the DUR Board:

<u>Name</u>	<u>Organization/Affiliation</u>	<u>Agenda Item</u>
Christine Donahue	CSL Behring	Hemgenix

C. Drug Utilization Review (DUR)

The DUR Board reviewed the drugs listed below. The DOH's recommendations to the DUR Board, including any DUR Board modifications (if noted), are as follows:

Recommendations	Commissioner's Final Determinations
<p>1. elivaldogene autotemcel (Skysona®)</p> <ul style="list-style-type: none"> The patient is a candidate for HSCT, but ineligible due to the absence of a donor. The patient does not have HIV or HTLV. The patient is not utilizing anti-retroviral drugs at least one (1) month prior to initiating medications for stem cell mobilization and until all cycles of apheresis are completed. <p>HIV=human immunodeficiency virus, HSCT=hematopoietic stem cell transplantation, HTLV=human T-lymphotropic virus</p> <p>Vote: In Favor 14 / Against 0 / Abstentions 0</p>	<p>Approved as Recommended</p>
<p>2. etranacogene dezaparovec-drlb (Hemgenix®)</p> <ul style="list-style-type: none"> Confirmation of moderately severe to severe, congenital hemophilia B. The patient does not have a history of Factor IX inhibitors. The patient does not have a positive Factor IX inhibitor test. <p>Vote: In Favor 14 / Against 0 / Abstentions 0</p>	<p>Approved as Recommended</p>

D. Procedures for Member Videoconferencing

The DUR Board adopted the following resolution and procedures to satisfy the requirement of Public Officers Law (POL) § 103-a(2)(b), which permits members of a public body to participate in meetings by videoconferencing from a non-public location in certain situations.

Drug Utilization Review (DUR) Board Resolution 2023-01

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the DUR Board to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS Section 103-a(2)(a) requires the DUR Board to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must, except during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

WHEREAS Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the DUR Board webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

BE IT RESOLVED, that the DUR Board authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or

written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

RESOLVED, that the DUR Board shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

Vote: In Favor 14 / Against 0 / Abstentions 0

Date: April 20, 2023

Drug Utilization Review Board - Procedures for member videoconferencing from a non-public location, in extraordinary circumstances.

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Drug Utilization Review (DUR) Board, following a public hearing, authorized by resolution on April 20, 2023, the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. DUR Board members shall be physically present at any meeting of the DUR Board unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify Chairperson of DUR Board no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the DUR Board shall update its notice as soon as practicable to include that information. If

it is not practicable for the DUR Board to update its notice, the DUR Board may reschedule its meeting.

4. If there is a quorum of members participating at a physical location(s) open to the public, the DUR Board may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the DUR Board but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the DUR Board shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
8. The DUR Board shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the DUR Board website within five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the DUR Board are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the DUR Board shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The DUR Board shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.

10. Open meetings of the DUR Board conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, “disability” shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law if the DUR Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the DUR Board to hold an in person meeting.
12. These procedures shall be conspicuously posted on the DUR Board website.

Vote: In Favor 14 / Against 0 / Abstentions 0

E. Pharmacy Program Updates

The DUR Board was provided updates on:

1. SUPPORT (Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities) Act.
2. Medicaid Retrospective (Retro) DUR Program.

F. Final Comments and Adjournment

Meeting adjourned at 1:00pm

Contact information: DUR@health.ny.gov or 518-486-3209
[Drug Utilization Review \(DUR\) \(ny.gov\)](https://www.health.ny.gov/programs/drug_utilization_review/)