

NH Prescription Drug Affordability Board

In-person / Remote Hybrid Meeting

October 30, 2023, 9:30 A.M.

NOTE: This meeting was recorded. All related documents (and a recording of the entire meeting) are available at: [New Hampshire Prescription Drug Affordability Board | New Hampshire Department of Health and Human Services \(nh.gov\)](https://www.nh.gov/health/human-services/prescription-drug-affordability-board)

CALL TO ORDER: Representative Merchant called the meeting to order at 9:35 A.M. and made introductions.

ATTENDING: In person: Representative Gary Merchant, Representative Jess Edwards, Todd Fahey, Robert Woodward. Remote: Tom Sherman. Representative Gary Merchant promoted Robert Woodward to full member for the purposes of this meeting; a quorum was established.

ABSENT: Senator Daryl Abbas, Senator Sharon Carson, Senator Cindy Rosenwald, Representative David Nagel, Jason Aziz.

APPROVE MINUTES OF THE OCTOBER 2 MEETING: Motion to approve the October meeting minutes made by Robert Woodward, seconded by Todd Fahey. Motion passed with all members voting in favor.

REVIEW OF 3 LSRs: Representative Merchant discussed the following LSRs. LSR 24-2648, sponsored by Representative Jess Edwards, references conflict of interest. Representative Edwards spoke about what the bill does, which empowers the Governor to remove a member if there is a conflict of interest, with the approval of Governor and Council. He feels it is important there should be a mechanism for enforcement. He added cohabitants in place of the wording in regards to spousal conflict. Tom Sherman expressed general concern for Board members sponsoring bills, and would like members to be on the same page prior to legislation being filed. Tom also expressed concern with some of the grammar. There was a short discussion about how conflict of interest is enforced. Representative Edwards proposed that Dr. Sherman amend the language in the bill for him to review and approve, to be discussed at the next meeting. The Board discussed the word “cohabitante”. Attorney Robert Berry stated he would research if the word has a legal definition. Todd Fahey discussed his professional opinion about the issue of conflict of interest, and how it should be very carefully considered, rather than basing a removal of a Board member on what appears to be a conflict on paper. Representative Merchant then discussed LSR 24-2336 in regards to the Executive Director being in place as long as the Board is in place. It also addresses the striking the wording making reference to the fees funding the Board. He also mentioned striking the wording of the fiscal committee review. Representative Edwards is not quite on board with the striking of the 2-year limitation for the Executive Director, as the completion of the redundancy report has not been completed. A short discussion followed. The Board then discussed LSR 24-2320, in regards to biologics and the idea of interchangeability. Representative Merchant proposes to allow the interchangeability of biologics, if they are separately interchangeable with the brand name drug. A lengthy discussion followed on the science and logic behind this proposal.

UPDATE ON BOARD APPOINTMENTS: Representative Merchant provided the Board an update to the Board appointments. Tom Sherman has been reappointed as an alternate and Senator Cindy Rosenwald has been reappointed as a full member, each effective November 1st for 3 years.

DISCUSSION OF THE 2023 ANNUAL REPORT: A lengthy and detailed discussion ensued about the draft of the Annual Report, due November 1st. Most of the suggestions were structural and grammatical in nature, rather than contextual. The full draft is available on the Board website, for reference (in addition to the full video of the meeting). Motion to accept the report with proposed edits, made by Todd Fahey, seconded by Robert Woodward. Motion passed with all members voting in favor.

DATE OF FUTURE MEETINGS: December 18, 9:30 A.M. For meetings in 2024, January 29. Starting in February, the meetings will be held the 4th Monday, at 9:30 A.M, of each month.

Executive Director Update: Robert Berry provided the Board with an update concerning the hiring of an Executive Director. An agreement was made with a candidate on a start date of January 22, and salary, with the next step being a formal offer letter, which Atty. Berry will draft, and an approval from Governor and Council.

PUBLIC COMMENTS: Heidi Kroll, AHIP, spoke about putting the language from the law in quotes and citing the RSA in the report.

ADJOURNMENT: Motion to adjourn made by Representative Edwards, seconded by Robert Woodward. Motion passes with all members voting in favor.

