

## NH Prescription Drug Affordability Board

### In-person / Remote Hybrid Meeting

January 24 2022, 10:00 AM

**NOTE: This meeting was recorded and a recording of the entire meeting, in addition to all presentations, are available at:**

<https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/previous-meetings.htm>

**CALL TO ORDER:** Representative Gary Merchant, Chair, opened

**ATTENDING:** Representative Gary Merchant, Senator Tom Sherman (late arrival), Todd Fahey, Senator Cindy Rosenwald (elevated to member in Senator Carson's absence and prior to Senator Sherman's late arrival), Staci Hermann; Representative James Murphy, remotely.

A quorum was established.

**ABSENT:** Representative William Marsh, Senator Sharon Carson.

**AGENDA REVIEW:** Representative Gary Merchant reviewed the agenda with the Board. He asked that the PhRMA presentation be moved up in the agenda, to which all agreed.

**REVIEW AND APPROVE NOVEMBER MINUTES:** Representative Merchant moved to accept the minutes; seconded by Senator Rosenwald. Representative Merchant made a note about changing the elevation status to Representative Marsh, rather than Representative Murphy. Roll call to approve the minutes, with noted change, passed, with all in favor.

**RULES UPDATE:** Todd Fahey gave an overview of the work to date, made by himself and Attorney Rob Berry. Mr. Berry reminded the Board that they are not yet in the formal rulemaking stage. He believes that can begin at the end of March, following the March Board meeting. Mr. Berry will have an updated draft based on the public and Board input at that time. Mr. Fahey suggested the Board meet in February to specifically discuss the rules, as it will take quite a bit of time to go through them.

**LEGISLATIVE UPDATE** Representative Murphy spoke about HB 1566, an amendment to the statute to change the Executive Director position from classified to unclassified, and also to establish a non-lapsing fund for fees. It's going to subcommittee on Friday, January 28. Representative Merchant updated the Board on the question of alternates, and it was decided that the alternates can only replace the Board members they are assigned to, as to ensure that each section has representation.

**PHRMA PRESENTATION** Presenting was Nick Doherty, Policy Director for the New England region for PhRMA. The presentation's primary focus was to discuss the national trends and how they affect patient's out-of-pocket costs, specifically the disparity between the list price of medicine and the cost to patients. Some follow-up was requested of Mr. Doherty by Representative Merchant, related to breakdown of certain percentages in his presentation. Data regarding rebates and coupon cards was a topic that Board members also asked for follow-up on, specifically how they fall into the percentage of reported discounts, and the flow of dollars. Senator Rosenwald and Representative Merchant discussed recent legislation about PBMs and other entities' reporting obligations; will follow up with each other to discuss details and relevancy. Todd Fahey asked for follow-up from MR. Doherty on who commissioned the Price Waterhouse report in 2017.

**FINANCIAL UPDATE FISCAL COMMITTEE** Robert Berry gave an update on the creation of the account to collect assessment fees. It was tabled based, essentially, on the lack of language in the rules regarding this. Representative Merchant discussed his ideas for options on how to move forward with funding the Board.

**PRICING AND REGISTRATION UPDATE** Nancy Plourde gave an update on the response to the December 14<sup>th</sup>, 2021 email to manufacturers regarding registration and reporting compliance.

**NEXT MEETING FEBRUARY 25<sup>TH</sup>, 1:00, TENTATIVELY SET**

**PUBLIC COMMENTS:** Holly Stevens, NAMI, commented on the reports being presented at recent meetings and suggested the Board be open to receiving presentations from neutral sources that have no vested interest in the supply chain. Ms. Stevens will follow up with any suggestion as to who could serve as a neutral party.

**NON-MEETING MEETING WITH ATTORNEY**

**ADJOURNMENT:** Motion to adjourn made by Representative Gary Merchant: seconded by Senator Tom Sherman. Motion passed.

Respectfully submitted:

Todd C. Fahey, Clerk

Nancy T. Plourde, Recording Secretary