

# ILLINOIS DRUG UTILIZATION REVIEW ADVISORY BOARD BYLAWS

ADOPTED by Illinois DUR Advisory Board on April 25, 2024

Approved by HFS Director on October 21, 2024

## Article I – Name, Mandates, and Operating Guidance

- a. The Illinois Drug Utilization Review (DUR) Advisory Board advises the Illinois Department of Healthcare and Family Services (HFS), regarding opportunities to improve patient safety, quality, and appropriate utilization of resources in drug prescribing and dispensing practices in provision of medical services to the populations served by the medical assistance programs.
- b. The DUR Advisory Board is entrusted to serve, consistent with the requirements of federal statutes including [eCFR § 42 CFR Part 456 Subpart K -- Drug Use Review \(DUR\) Program and Electronic Claims Management System for Outpatient Drug Claims](#); guidance received from the federal Center for Medicare and Medicaid Services (CMS); statutes and regulations promulgated by the State of Illinois including Public Aid Code, and [5 ILCS 120/ Open Meetings Act. \(ilga.gov\)](#); and the HFS Mission, Vision, Values, and other directives.
- c. The DUR Advisory Board’s work is accomplished by a distinguished panel of DUR Board members appointed by the Director of HFS.
- d. The DUR Advisory Board meets to review published peer-reviewed literature, guidelines, and standards of care developed by various federal agencies and national professional organizations, published reports of adverse outcomes, prospective and retrospective review of Illinois Medicaid recipients’ medication utilization data, and proposes appropriate advisory recommendations to HFS, including but not limited to provider and dispenser education, clinical policy interventions, corrective actions, monitoring, and reevaluation as indicated.
- e. The DUR Advisory Board’s recommendations are forwarded by contracted or designated staff to HFS’s Bureau of Professional and Ancillary Services (BPAS) for further consideration and implementation upon acceptance by the Director of HFS.
- f. HFS is ultimately responsible for ensuring that the DUR program is operational and complies with all requirements. HFS has the authority to accept, reject, or defer indefinitely the recommendations of the DUR Advisory Board.
- g. Once the DUR Advisory Board Bylaws are adopted after a ten (10) day advance notice by two-thirds majority vote of current board members present at a scheduled DUR Advisory Board meeting, signed off by Bureau Chief of BPAS, and accepted by the Director of HFS, all previous versions of DUR Bylaws and DUR Procedures will become obsolete.

## Article II – Membership

### Section I – DUR Advisory Board Composition

- a. The DUR Advisory Board must include only Illinois-licensed health care professionals in good standing with the Illinois Department of Financial and Professional Regulation (IDFPR) who have

recognized knowledge and documented experience in at least one of the following skills: clinically appropriate drug prescribing, dispensing, and monitoring, peer-review of drug utilization practices, evaluation, and indicated interventions; and/or medical quality assurance. At least thirty-three percent (33% or one-third) to not more than fifty-one percent (51%) of the DUR Advisory Board members must be physicians and at least thirty-three percent (33% or one-third) must be pharmacists, per federal requirements.

- b. The DUR Advisory Board shall be composed of up to twelve (12) voting members including licensed physicians and licensed pharmacists as above. The twelve (12) voting members may include one (1) HFS representative, and one (1) managed care organization (MCO) representative, at the discretion of the HFS Director.
- c. In addition to twelve (12) voting members, three (3) non-voting ex-officio members may be appointed at the discretion of the HFS Director, with consent of respective agency or division Directors, one (1) each representing the Illinois Department of Public Health (IDPH), the Substance Use Prevention and Recovery (SUPR) Division of the Illinois Department of Human Services (DHS), and the Division of Mental Health (DMH) of the Illinois Department of Human Services (DHS).
- d. No proxies will be available for voting or ex-officio members unless they are present themselves.

## **Section II – Term of DUR Advisory Board Service and Term Limits**

- a. All current DUR Advisory Board members will continue to serve in their current board positions until September 30, 2025. Additional members will be added to raise the membership to twelve (12) voting members, and three (3) non-voting ex-officio members.
- b. DUR Advisory Board members who have served a total of forty-eight (48) months or longer by September 30, 2025, will be replaced by new members appointed by the HFS Director.
- c. The Board member terms will be staggered, so continuity on the Board is not disrupted en masse.
- d. If a DUR Advisory Board member misses three (3) consecutive regularly scheduled meetings in one (1) year or does not complete HFS mandatory trainings within one (1) month of a written notice, that will be considered a voluntary resignation, and their membership will be automatically terminated.
- e. The Board members will be limited to two (2) consecutive terms of two (2) years each upon appointment and reappointment and will relinquish their service on the Board after four (4) years of continuous service, unless elected to an officer position. The members and officers with expired terms will be eligible for reappointment after a hiatus of two (2) years.

## **Article III – Conflict of Interest**

The DUR Advisory Board members will be expected to:

- a. Complete a “Conflict of Interest Disclosure Form” approved by the DUR Advisory Board and Bureau Chief of BPAS at the beginning of each two (2) year term on the Board.
- b. Update their “Conflict of Interest Disclosure Form” during their two (2) year term whenever a new conflict occurs.
- c. Review the agenda for each meeting and determine if a conflict of interest exists. If a potential conflict is identified or perceived as a possibility by DUR Advisory Board members, they will be

expected to disclose their Conflict of Interest publicly at the beginning of such DUR Advisory Board meeting and recuse themselves from discussion and voting on that agenda item.

## **Article IV – Compensation**

Members of the DUR Advisory Board shall serve without compensation, except when they may be reimbursed for allowable travel and other pre-approved, travel-related expenses in connection with the DUR Advisory Board meetings. Such reimbursement shall be consistent with the statutory provisions and regulations of the State of Illinois. Operating expenses of the DUR Advisory Board shall be borne by HFS.

## **Article V – Officers**

- a. Officers of the DUR Advisory Board shall consist of a Chair and a Vice-Chair, who shall be elected from among voting board members annually, by a simple majority vote by the DUR Advisory Board members present at the third (3<sup>rd</sup>) meeting of each calendar year.
- b. The elected officers will start their one (1) year terms at the first meeting following their election.
- c. An officer of the DUR Advisory Board shall not be eligible to serve for more than a year term in the same office but may continue to serve in that role until a successor is elected.
- d. The membership term limits will not apply to members while serving in the capacity of Chair or Vice-Chair.
- e. The Chair of the DUR Advisory Board shall perform the duties ordinarily ascribed to such office and shall preside at all meetings of the DUR Advisory Board.
- f. In the event the elected Chair is absent or unable to complete the one (1) year term as Chair due to illness, disability, relocation outside of Illinois, resignation, or another similar circumstance, the Vice-Chair will automatically assume the Chair position for the remaining time in that one (1) year term.
- g. If both the elected Chair and the elected Vice Chair are absent or unable to complete their respective one (1) year terms due to illness, disability, relocation outside of Illinois, resignation, or another similar circumstance, the Bureau Chief of BPAS or another designee of the HFS Director will serve in the vacant position for that meeting or for the remainder of the one (1) year term, if necessary.

## **Article VI – Meetings**

- a. Regular meetings of the DUR Advisory Board shall be held at least quarterly, unless suspended by the Director of HFS, or by the Bureau Chief of BPAS on the Director's behalf, for cause, and shall take place at specified locations, dates, and times. The DUR Advisory Board meetings are subject to the Open Meetings Act (5 ILCS 120/2).
- b. The DUR Advisory Board meetings may be held in person at an HFS, State of Illinois, or another public facility in Chicago or Springfield and/or via electronic options (web-based, video conferencing, and/or telephonic) at the discretion of the HFS Director or the Bureau Chief of BPAS on Director's behalf.
- c. It shall be the responsibility of HFS or a designated DUR Advisory Board contractor to provide a notice of DUR Advisory Board meetings dates in the coming calendar year, following approval by a simple majority of the Board at their last meeting of the preceding calendar year.

- d. It shall be the responsibility of HFS or a designated DUR Advisory Board contractor to give ten (10) day advance notice of upcoming DUR Advisory Board meetings at the principle office of the BPAS and the Illinois DUR Board Website at <https://hfs.illinois.gov/about/boardsandcommisions/dur-home.html> designating the location, date, and time of said regular meeting. Each member of the DUR Advisory Board and relevant HFS staff will also be notified via email at least ten (10) calendar days prior to each of the upcoming regular meetings.
- e. In case of an unavoidable emergency, as determined by the HFS Director, or the Bureau Chief of BPAS acting on the Director’s behalf, a notice of a change to the regular meeting schedule will be given as soon as possible by posting it at the principal office of BPAS, on the Illinois DUR Board website, and by a notice to those news media that filed an annual request to receive notices. Each member of the DUR Advisory Board and relevant HFS staff will be notified of that change via email.
- f. A special meeting of the DUR Advisory Board may be called to consider a special item identified in that notice, provided it complies with the Open Meetings Act, which requires at least a forty-eight (48) hour advance notice.

## **Article VII - Agenda**

- a. Meeting agendas for regular meetings will be developed by HFS or a designated DUR Advisory Board contractor, approved by the Board Chair, and Bureau Chief of BPAS, and then posted at least ten (10) days in advance of the meeting.
- b. Notices for a special meeting, rescheduled regular meeting, or a reconvened meeting will be given at least forty-eight (48) hours before the meeting.
- c. Closed meeting sessions may need to be held to protect public interest and safeguard personal privacy. The DUR Advisory Board will follow guidance in the Open Meetings Act for closed sessions.
- d. The agenda will always include time at the end of the meeting for Public Comments conforming to the agenda items discussed at that meeting. However, the allotted time to speak may be limited by the Chair depending on the allotted time available.
- e. Under the New Business portion of a meeting, any DUR Advisory Board member may propose to add an item to the agenda of a future DUR meeting with approval from a simple majority of DUR Advisory Board members present.
- f. All deliberations of the DUR Advisory Board and its subcommittees shall be governed by Robert's Rules of Order to the extent not inconsistent with these Bylaws. All applicable Federal and State laws, and DUR Advisory Board Bylaws take precedence over Robert's Rules, in that order.

## **Article VIII – Minutes**

- a. Minutes of all DUR Advisory Board meetings will be prepared on behalf of HFS by a designated DUR Advisory Board contractor in conformity with guidance from Robert’s Rules of Order. A draft of the minutes will be shared with each member of the DUR Advisory Board and relevant HFS staff prior to the next scheduled meeting, at which time a simple majority of DUR Advisory Board members would be empowered to correct, amend, and approve the minutes for posting on the Illinois DUR Board website.

- b. Recordings of open and closed meetings of the DUR Advisory Board obtained for note-taking purposes must be kept for a period of eighteen (18) months. When the period of eighteen (18) months is over, the DUR Board will vote for the official destruction of the recorded record.

### **Article IX - Quorum**

Until a full complement of twelve (12) voting members is achieved, five (5) members of the DUR Advisory Board must be present at the beginning of the meeting to conduct business or vote to take any action. Once a full complement of twelve (12) voting members is achieved, seven (7) members of the DUR Advisory Board must be present at the beginning of the meeting to conduct business or vote to take any action at that meeting.

### **Article X – DUR Annual Report**

HFS or a DUR Advisory Board contractor will prepare and submit, on an annual basis, a required DUR report to CMS, following approval by the Bureau Chief of BPAS. The reports will be publicly posted at the Illinois DUR Board Website. It is also available at a website maintained by CMS.

### **Article XI – Communication Among Chair and Committee Members**

Any communication related to DUR Advisory Board business or surveys involving members and officers will need to be channeled through a DUR Advisory Board contractor or the Bureau Chief of BPAS to prevent any violations of the Open Meetings Act.

### **Article XII – Amendment of Bylaws**

The Bylaws may be amended by two-thirds majority of the voting members present at a regular meeting of the DUR Advisory Board if the proposed amendment is distributed in writing with a meeting notice at least ten (10) calendar days before that Board meeting.