

WORKPLACE SAFETY AND INSURANCE BOARD

DRUG ADVISORY COMMITTEE

TERMS OF REFERENCE

A. BACKGROUND

Pursuant to the *Workplace Safety and Insurance Act* the Workplace Safety and Insurance Board ("WSIB") through its drug benefit program, seeks to facilitate, in a financially responsible and accountable manner, the recovery of workers who sustain personal injury arising out of and in the course of employment or who suffer from an occupational disease, and as part of these efforts the WSIB pays for drugs required by such workers as a result of such injury or disease.

WSIB's drug benefit program is a significant element of the health care benefits provided by WSIB to injured workers. In 2006 more than one million prescriptions were dispensed to approximately 70,000 workers resulting in the payment by WSIB of approximately \$80 million dollars for drug benefits for these workers.

B. OBJECTIVE

To assist WSIB in ensuring that the administration of its drug benefit program is done in accordance with best practices WSIB wishes to establish a committee of highly qualified independent advisors to advise the WSIB on a variety of issues relating to the WSIB's drug benefit program (the "Drug Advisory Committee" or "Committee"). The individuals appointed to the Drug Advisory Committee (the "Members") shall have expertise in drug therapy and drug evaluation. Adopting an evidence-based approach, the Committee shall make recommendations to WSIB regarding the composition and management of its drug formularies, and shall provide advice to WSIB which reflects current medical and scientific knowledge and current clinical best practice.

C. MANDATE OF DRUG ADVISORY COMMITTEE

The mandate of the Drug Advisory Committee is to provide:

- (a) drug formulary management advice including formulary listing recommendations and conditions and/or criteria for coverage; and
- (b) advice on Drug Benefit Program issues raised by WSIB on an ad hoc basis, including but not limited to issues such as generic substitution policies.

D. RESPONSIBILITIES OF THE DRUG ADVISORY COMMITTEE

1. Key Responsibilities

The Drug Advisory Committee's key responsibilities are to:

- (a) establish, maintain, and apply criteria to evaluate the therapeutic value and cost effectiveness of drug products and to recommend to WSIB those products which should be included or excluded from WSIB's drug formularies and advise WSIB of the criteria under which such products should be purchased for workers;
- (b) advise WSIB as to appropriate criteria to attach to drugs included in the WSIB formularies, including but not limited to such things as approving various drug therapies sequentially, or requiring more frequent medical reports regarding workers' responses to particular drug therapies;
- (c) monitor and evaluate, on a regular basis, the list of drugs available in view of drug use patterns, experience and current scientific knowledge;
- (d) advise WSIB as to the best structure for the WSIB's drug formularies, including for instance, formulary configuration;
- (e) advise WSIB as to the best manner to address worker use of new drugs which become available in a timely manner;
- (f) contribute and support WSIB initiatives related to public and professional education about its drug benefit program and related issues as requested; and
- (g) provide advice on relevant drug therapy, drug policy, and questions and issues as requested by WSIB.

2. Drug Advisory Committee Recommendations on Formulary Listings

In respect of each drug reviewed or considered by the Drug Advisory Committee, the Committee shall make a recommendation to WSIB to the effect that:

- (a) the drug be listed on the formularies, with specification of which formularies;
- (b) the drug be listed with criteria/conditions on WSIB formularies;
- (c) the drug not be listed on WSIB formularies; or
- (d) a recommendation pertaining to the drug be deferred, pending consideration of further information specified by the Committee, which information shall be provided by WSIB.

Each recommendation shall be a separate document, in a format which shall be agreed upon by the WSIB and the Committee. Each recommendation shall include the Committee's reasons in support of such recommendation.

E. COMPOSITION OF DRUG ADVISORY COMMITTEE

1. Membership

The Drug Advisory Committee shall consist of a minimum of five and a maximum of eight voting members (each of whom is a "Member"), which shall include a Chair, a Vice-Chair, and one WSIB staff member (the "WSIB DAC Member"). Each Member shall be appointed by the WSIB.

2. Length of Appointment

The initial appointments of each of the Chair and the Vice Chair shall be for a three year term. The WSIB DAC Member shall not have a fixed term but shall serve at the discretion of the WSIB. Appointments of the remaining initial Members shall alternate between three and two year appointments. Thereafter all appointments shall be made by WSIB for a term of two years. Appointments may be renewed by the WSIB. Either WSIB or a Member may terminate the appointment by providing written notice to the other.

3. Qualifications

Drug Advisory Committee Members (excluding the WSIB DAC Member) must be qualified as a physician, a pharmacist, an economist or possess some other appropriate professional designation, and have expertise in one or more of the following areas:

- occupational medicine
- pain management
- general practice
- hospital or community pharmacy
- clinical pharmacology
- pharmacoeconomics
- internal medicine
- clinical epidemiology

4. Conflict of Interest

WSIB acknowledges that a Member may have in the past, currently, or in the future

- (i) perform research concerning one or more particular drugs; and/or
- (ii) provide advice to or perform consulting work for a pharmaceutical company in connection with one or more drugs.

WSIB further acknowledges that such activities do not constitute a conflict of interest sufficient to prohibit the Member from fulfilling his or her role and responsibilities as a Member, provided that where a Member has performed either or both of the activities described in paragraphs (i) and (ii) above in respect of a particular drug to be considered by the Drug Advisory Committee, the Member shall immediately disclose such activities to the Drug Advisory Committee at the commencement of its meeting, and the Member shall not vote on any recommendations pertaining such drug. It shall be a conflict of

interest for a Member to (a) own a controlling interest in a pharmaceutical company, or (b) be an officer or director of a pharmaceutical company, and the Member shall immediately disclose in writing such information to the WSIB Representative.

5. Role and Responsibilities of Chair

In addition to being required to fulfill the same role and responsibilities as each other Member, the Chair shall also fulfill the following responsibilities:

- (a) together with the Vice-Chair, recommend to the WSIB candidates for appointment as Members to the Committee;
- (b) in consultation with the WSIB, schedule dates and times of Drug Advisory Committee meetings;
- (c) in consultation with the WSIB, prepare the agenda for each Drug Advisory Committee meeting;
- (d) at the commencement of each meeting, ask Members if they have any conflicts of interest to disclose and upon a conflict being declared, ensure that the Member with the conflict of interest does not participate in any and all discussions relating to the particular drug in respect of which the Member has the conflict of interest (and, for greater certainty, does not vote on any recommendations relating to such drug);
- (e) upon the Committee making a recommendation, approve the recommendation in accordance with the format which has been agreed upon with WSIB, (ensuring that it includes the Committee's reasons in support of such recommendation,;
- (f) consider any requests by a Member for approval for an upcoming extended absence (for three or more meetings), and consult with the WSIB DAC Member prior to exercising the Chair's discretion to approve (or disapprove) of such absence;
- (g) provide written reports to the WSIB from time to time upon any of the following events occurring:
 - (i) a Member is absent for more than three meetings in a twelve month period;
 - (ii) where the Chair believes it is in the best interest of the Committee that a particular individual no longer be a Member of the Committee, recommend to the WSIB that such individual's appointment be terminated; or
 - (iii) where the Chair has approved a request by a Member for an extended absence, and the length and reasons therefor;
- (h) provide written and verbal status reports to, and as requested by, the WSIB, of the activities of the Drug Advisory Committee;

- (i) meet annually with the Chief Operating Officer of the WSIB (and at such other times as he may request) to provide a status report on the work of the Committee, and respond to any questions of the Chief Operating Officer;
- (j) act as the key liaison between the WSIB and the Drug Advisory Committee;
- (k) as requested by the WSIB speak to various groups (including the WSIB's board of directors, groups of WSIB staff, and external stakeholder groups, such as the Ontario Medical Association) regarding the Drug Advisory Committee and its work; and
- (l) review any requests by a Member for approval to publish any academic articles relating to the work of the Drug Advisory Committee, advise WSIB as to the Chair's views relating to such articles, and advise the Member of WSIB's decision.

6. Role and Responsibilities of Vice Chair

The Vice-Chair shall perform the same role and responsibilities of the Chair in the event of the absence or incapacity of the Chair. The Vice Chair shall also, together with the Chair, recommend to the WSIB candidates for appointment as Members to the Drug Advisory Committee.

7. Role and Responsibilities of Members

The appointment of each Member shall be conditional upon the Member entering into a consulting services agreement prepared by the Legal Services Division of WSIB. Such agreement shall contain, at a minimum, provisions addressing the following:

- (a) that the Member shall comply with the Terms of Reference of the Drug Advisory Committee which is in effect at the time;
- (b) that the Member shall comply with the WSIB Code of Business Ethics;
- (c) that the Member avoid any conflict of interest, and at the commencement of each meeting disclose any conflict of interest;
- (d) that the Member shall attend an orientation session conducted by the WSIB after the Member's appointment to the Drug Advisory Committee;
- (e) that the Member acknowledges and agrees that
 - (i) the recommendations of the Committee ;
 - (ii) the curriculum vitae of the Member,
 may be made publicly available by WSIB, and may be posted by WSIB on its website.
- (f) that, subject to reasonable limitations, the Member be indemnified by the WSIB for any liability incurred by Member by reason of being or having been a Member of the Drug Advisory Committee;

- (g) that the Member be paid a *per diem* and that any reimbursement of the Member for expenses incurred shall be done in accordance with WSIB's policy for business travel;
- (h) that the Member or WSIB may terminate the consulting services agreement at any time by providing written notice to the other party, and that such party shall also provide written notice to the Chair of the termination;
- (i) that, subject to reasonable limitations, the Member may publish academic articles related to the work of the Committee; and
- (j) that the Member bring to the attention of the Chair any potential agenda items which he or she believes should be considered by the Committee, or any concerns which the Member has regarding a fellow Member.

8. Role and Responsibilities of WSIB DAC Member

The WSIB DAC Member shall have the same role and responsibilities as other Members, save and except that the WSIB DAC Member shall not enter into a consulting services agreement with the WSIB. Notwithstanding the foregoing, all elements of the consulting agreement described above that are not inconsistent with the WSIB DAC Member being an employee of WSIB shall apply to him or her.

9. Drug Advisory Committee Meetings

The Drug Advisory Committee will meet at least six times in each calendar year. Each meeting shall be of one half-day duration. Additional meetings or day long meetings may be held at the call of the Chair as needed.

A majority of the Members shall constitute a quorum for the purposes of being able to make recommendations.

Where the Committee determines that it has questions which require an expertise not available within the Members or WSIB, the Chair shall advise the WSIB, specifying the particular expertise needed. WSIB shall arrange and pay for such expert to attend a subsequent Committee meeting.

Every Drug Advisory Committee recommendation requires the affirmative vote of at least two-thirds of the voting Members participating in the discussion on the particular matter being considered. Every voting Member participating in the meeting must vote on the motion for the adoption of each Recommendation. For greater clarity, a Member who participates in the discussion on a particular matter may not abstain from voting on such matter.

F. WSIB'S ROLE AND RESPONSIBILITIES

1. WSIB shall retain authority to make all decisions relating to the Drug Benefit Program, including but not limited to decisions relating to drug formularies, and the overall management of the Drug Benefit Program.
2. The WSIB shall appoint all Members of the Drug Advisory Committee.
3. The WSIB shall appoint appropriate WSIB representatives (such as a physician, nurse and/or pharmacist) to attend all Drug Advisory Committee meetings. These

individuals shall have appropriate medical, pharmaceutical, and organizational expertise to ensure that specific knowledge of the injured and ill worker population, prescription drug use by this population and WSIB processes is available and considered during deliberations of the Drug Advisory Committee. They shall, however, actively participate in discussions during meetings, and shall obtain and present additional information and/or expert advice as requested by the Chair.

4. The WSIB shall assign appropriate staff to perform all administrative and clerical support functions necessary to ensure the effective and efficient operation of the Committee, including but not limited to the performance of the following activities:
 - (a) preparing and submitting background materials for review by Members prior to meetings;
 - (b) maintaining records of all recommendations made by, and advice given by the Committee; and
 - (c) making all travel and accommodation arrangements necessary to permit those Members who do not live or work inside the greater Toronto Area to attend the meetings.

G. AMENDMENT AND DELEGATION

1. These Terms of Reference may be amended at any time, and from time to time, upon the written approval of the Chief Operating Officer of the WSIB, whereupon the amended Terms of Reference shall replace and supersede the former Terms of Reference, and a copy of the amended Terms of Reference shall be provided to each Member by WSIB.
2. Save and except for the ability to approve the amendment of these Terms of Reference, as described in paragraph 1 above, the Chief Operating Officer may from time to time delegate in writing to one or more members of WSIB's personnel (including the individual who is appointed as the WSIB DAC Representative) any or certain of the WSIB's responsibilities under these Terms of Reference. The WSIB shall provide a copy of each such delegation to the Chair of the Drug Advisory Committee.