

# Massachusetts Vaccine Purchasing Advisory Council Operating Procedures

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## **Article I      Name**

The name of the group is the Massachusetts Vaccine Purchasing Advisory Council (MVPAC).

## **Article II      Mission and Purpose**

### ***Section 1:    Mission***

The mission of the Massachusetts Vaccine Purchasing Advisory Council (MVPAC) is to facilitate the universal distribution of as many Advisory Committee on Immunization Practices (ACIP) recommended childhood vaccines as possible by the Massachusetts Department of Public Health (MDPH) to ensure the health and safety of the Commonwealth's citizens.

### ***Section 2:    Purpose***

Authorized by Chapter 28 of the Acts of 2014, the MVPAC will make recommendations to the Commissioner of Public Health on the types of vaccines to be purchased by the Department for inclusion in the Department's childhood immunization program. The MVPAC shall take into account: safety, efficacy, provider preference, cost, and availability and may take into account, vaccine characteristics, and other factors as determined by the MVPAC. The MVPAC shall also examine the feasibility, costs, and benefits of authorizing provider choice.

MDPH is not bound by the MVPAC's recommendations and at the discretion of the Commissioner may choose to not follow the recommendations of the MVPAC at any time, such as during vaccine shortages or public health emergencies. The MVPAC membership will be notified in a timely manner when such decisions are made by the Commissioner.

## **Article III      Membership**

### ***Section 1: Council Members***

The MVPAC membership shall consist of the following 15 members.

The following members will have a continuous membership on the Council representing their organization:

1. Commissioner of Public Health or the Commissioner's designee;
2. Medical Director of the MDPH Immunization Program;
3. Executive Director of the Center for Health Information and Analysis or the Executive Director's designee;

4. Executive Director of the Commonwealth Health Insurance Connector Authority or the Executive Director's designee;
  5. Representatives from the three health insurance companies having the most covered lives in the Commonwealth appointed by the Commissioner of Insurance;
  6. A representative of a managed care organization contracting with MassHealth appointed by the Director of Medicaid;
  7. A representative of an employer that self-insures for health coverage appointed from lists of nominees submitted by statewide associations of employers; and
- The following six health care provider representatives will be appointed by the Commissioner of Public Health:
- a. one member of the Massachusetts Academy of Family Physicians,
  - b. one member of the Massachusetts Chapter of the American Academy of Pediatrics,
  - c. one member of the Massachusetts Medical Society, and
  - d. three physicians licensed to practice in the Commonwealth who have expertise in the areas of childhood vaccines.

The Commissioner of Public Health, or the Commissioner's designee, shall be the chair of the MVPAC.

The Commissioner of Public Health shall appoint an MVPAC Coordinator who shall assist with the oversight and administration of the MVPAC.

## ***Section 2: Term of Office***

The Commissioner of Public Health, or the Commissioner's designee; the medical director of the MDPH Immunization Program; the Executive Director of the Center for Health Information and Analysis or their designee; the Executive Director of the Commonwealth Health Insurance Connector Authority or their designee will all have permanent terms on the MVPAC so long as they are still actively in their respective positions.

On an annual basis, MDPH will rely on the Division of Insurance to evaluate health plan enrollment using data from the Center for Health Information and Analysis to determine the three health insurance companies having the most covered lives in the Commonwealth to determine the three health insurance companies which will be represented.

The self-insured employer representative, Medicaid managed-care representative, and the six health care provider representatives shall have 24-month terms but may be reappointed at the end of their terms at the discretion of the Commissioner.

### **Section 3: Cessation of Membership**

Membership on the MVPAC ceases by either expiration of term or forfeiture as described below:

- Resignation (voluntary), by submission of written notice to the Commissioner of Public Health
- Forfeiture (involuntary) due to:
  - Violation of the attendance policy
  - Failure to comply with the criteria for membership
  - Unethical conduct as determined by the Commissioner of Public Health

### **Section 4: Conflict of Interest**

4.1 The members of the MVPAC are subject to the requirements of the Commonwealth's conflict of interest law, M.G.L. c. 268A, available at: <http://www.malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter268A>.

#### 4.2 Procedures

1. Upon consideration for joining the MVPAC, the potential MVPAC member shall disclose up front any potential financial interests they may have with a vaccine manufacturer. Upon inclusion in the MVPAC, the new MVPAC member must complete and sign a "Voluntary Disclosure Statement" Form. The member shall disclose any material financial or beneficial interest(s) likely to affect his/her decision-making, and any activity which may impair his/her judgment. It is each individual member's responsibility to consult with the State Ethics Commission ([www.mass.gov/ethics](http://www.mass.gov/ethics) or 617-371-9500) if they feel they may have a potential conflict of interest.
2. Any time an additional or undisclosed conflict of interest arises or becomes apparent to a committee member, the member shall act promptly to remain in compliance with the Commonwealth's conflict of interest law, M.G.L. c. 268A by making oral and written disclosures of the conflict of interest and abstaining from participation as appropriate. As stated above, members should always consult the State Ethics Commission if they are unsure of a potential conflict.
3. A MVPAC member with a conflict of interest in a particular matter, as defined in M.G.L. c. 268A, § 1(k), will not participate in the discussion of that matter and will not vote on the matter.

## **Article IV Governance**

### **Section 1: Agenda**

Agendas for MVPAC meetings will be generated by the Immunization Program and submitted to the Chair of the MVPAC prior to the meeting date for approval. MVPAC members may recommend agenda items to the MVPAC Coordinator up to two weeks prior to the meeting date.

MVPAC meetings are subject to the requirements of the Massachusetts Open Meeting Law M.G.L. c. 30A, §§ 18-25, available at: <http://www.mass.gov/ago/government-resources/open-meeting-law/open-meeting-law-mgl-c-30a-18-25.html>. All MVPAC meeting agendas will be posted publicly on the MDPH website at least 48 hours in advance of the meeting. All discussions at the meeting must follow the pre-posted meeting agenda; no new business may be raised at the meetings.

### **Section 2: Attendance**

Members are expected to attend all meetings in their entirety except in cases of illness or emergency.

The MVPAC will schedule at least two meetings per year on a date to be determined by the MVPAC Coordinator in consultation with the MVPAC Members. Every effort shall be made to schedule meeting dates at least 12 months in advance and meeting confirmations will be sent out by the MVPAC Coordinator to all MVPAC members at least one month in advance.

It is the responsibility of the MVPAC Coordinator to monitor attendance and to carry out a process to inform members at risk of violating the attendance policy. The following procedure notifies members who are at risk of violating the policy.

- MVPAC Coordinator will alert members if they incur two absences within a 24-month period.
- MVPAC Coordinator informs and recommends termination of membership to the Commissioner of Public Health when members incur more than two absences in a 24-month period.

Meeting participation can occur by a MVPAC member remotely (by conference call or webinar) in cases of illness or emergency if there is a quorum (see Section 5 below) of MVPAC members physically present.

All meetings are open to the public.

### ***Section 3: Emergency Meetings***

The Commissioner of Public Health may call emergency meetings as needed, consistent with the requirements of M.G.L. c. 30A, § 20. Absences from these meetings will not count towards the attendance requirements outlined in Section 2 above. However, these meetings must still comply with all other requirements on quorum, voting, remote participation, and facilitation as set forth in this Article.

### ***Section 4: Meeting Facilitation***

The Commissioner of Public Health or the Commissioner's designee will facilitate meetings of the MVPAC.

### ***Section 5: Quorum***

A quorum will require the physical presence of no fewer than 8 MVPAC members for deliberation and voting.

### ***Section 6: Voting***

All recommendations of the MVPAC to the Department of Public Health may be made by a majority vote of the MVPAC members in attendance (both in physically and remotely) who do not have a conflict of interest. In lieu of a vote, the Commissioner may accept a general consensus of the MVPAC. Voting by proxy is not permitted.

### ***Section 7: Minutes***

Proceedings of all MVPAC meetings must be recorded in minutes, which will be created in accordance with M.G.L. c. 30A, § 22, and will include, at a minimum, the date, time and place, members present or absent, a summary of discussions, a list of documents used at the meeting, decisions made and actions taken, including a record of all votes, which may not be taken by secret ballot.

The appointed technical assistant will record, process, and email minutes to members as soon as possible, and no later than one week before the next scheduled meeting. Will members have an opportunity to comment on or correct minutes before they are published?

### ***Section 8: Cancellation of Meeting(s)***

7.1 MVPAC meetings may be cancelled at any time for cause and at the discretion of the Commissioner of Public Health for the following reasons:

- Weather related emergencies
- Terrorist Threat and/or Disaster

- Prior knowledge of absence of quorum
- No Agenda

7.2: It is the responsibility of the MVPAC Coordinator to notify the membership of meeting cancellations.

## **Article V      Amendments to Operating Procedures**

These Operating Procedures will be voted on and accepted by a majority vote of the MVPAC. All future amendments to these Procedures will also require a majority vote of the MVPAC.