

CHARTER
UNIFORM FORMULARY BENEFICIARY ADVISORY PANEL

1. Committee's Official Designation: The Committee shall be known as the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as "the Panel").
2. Authority: The Secretary of Defense, under the provision of 10 U.S.C. § 1074g(c), the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 CFR § 102-3.50(a) (required by statute), established the Panel.
3. Objectives and Scope of Activities: The Panel shall provide independent advice and recommendations on the development of the uniform formulary, as set forth in paragraph four below.
4. Description of Duties: The Panel shall provide the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Health Affairs, and the Director, TRICARE Management Activity, independent advice and recommendations on the development of the uniform formulary. The Secretary of Defense shall consider the comments of the Panel before implementing the uniform formulary or implementing changes to the uniform formulary.
5. Agency or Official to Whom the Committee Reports: The Panel shall report to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Health Affairs, and the Director, TRICARE Management Activity. The Under Secretary of Defense for Personnel and Readiness, or designated representative, may act upon the Panel's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Office of the Under Secretary of Defense for Personnel and Readiness and the TRICARE Management Activity, shall provide support, as deemed necessary, for the performance of the Panel's functions, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) (hereinafter referred to as "the Government in the Sunshine Act"), governing Federal statutes and regulations, and governing DoD policies/procedures.

Additional information and assistance, as required, may be obtained from other DoD Components with contracting authority and from support contractors, including DoD Federally Funded Research and Development Centers for studies and analysis support.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost to include travel, meetings, and contract support, is approximately \$85,500.00. The estimated annual personnel costs to the DoD are 0.25 full-time equivalents.

8. Designated Federal Officer (DFO): The DFO, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with governing DoD policies/procedures.

In addition, the DFO is required to be in attendance at all Panel and subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the DFO, a properly approved Alternate DFO shall attend the entire duration of the Panel or subcommittee meeting.

The DFO, or the Alternate DFO, shall call all of the Panel's and subcommittee's meetings; prepare and approve all meeting agendas; adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies/procedures; and chair meetings when directed to do so by the official to whom the Panel reports.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Panel's DFO, in consultation with the Panel's Chairperson. The estimated number of Panel meetings is four per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Panel shall terminate upon rescission of 10 U.S.C. § 1074g(c).
12. Membership and Designation: The Panel, pursuant to 10 U.S.C. § 1074g(c)(2), shall be comprised of no more than 15 members. The Panel shall include members that represent:
 - a. Non-governmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries;
 - b. Contractors responsible for the TRICARE retail pharmacy program;
 - c. Contractors responsible for the national mail-order pharmacy program; and
 - d. TRICARE network providers.

Panel members shall be appointed by the Secretary of Defense. Membership is renewed on an annual basis, and those members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employees.

The Panel membership shall select the Panel's Chairperson from the total membership.

Panel members shall, with the exception of travel and per diem for official Panel-related travel, serve without compensation, unless otherwise authorized by the Secretary of Defense.

The Secretary of Defense may approve the appointment of Panel members for one-to-four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees. Each Panel member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: With DoD approval, the Panel shall be authorized to establish subcommittees, as required and consistent with its mission and DoD policies and procedures. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Panel's sponsor.

Such subcommittees shall not work independently of the chartered Panel, and shall report all their recommendations and advice solely to the Panel for full deliberation and discussion. Subcommittees have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Panel; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Panel member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one-to-four years.

Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Panel related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies/procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Record Schedule 26, and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date: August 1, 2012