

Membership Balance Plan
Uniform Formulary Beneficiary Advisory Panel

Agency: Department of Defense (DoD)

- 1. Authority:** The Secretary of Defense, under the provisions 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 Uniform Formulary Beneficiary Advisory Panel (hereinafter referred to as “the Panel”).
- 2. Mission/Function:** 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.
- 3. Points of View:** The Panel, pursuant to 10 U.S.C. § 1074g(c)(2), shall be comprised of no more than 15 members and 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.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel members appointed by the Secretary of Defense, 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 to serve as special government employees. The appointments of Panel members shall be renewed on an annual basis by the Secretary of Defense.

The Panel’s membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel by the Secretary of Defense, the Deputy Secretary of Defense, or the Panel’s sponsor. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

- 4. Other Balance Factors:** Other criteria intended to help maintain a balanced membership on the Panel, are knowledge and familiarity of the TRICARE pharmacy benefit as well as the experience and background needed to understand the pharmaceutical and scientific materials provided at the Panel’s meetings.

Panel members who represent beneficiary associations are recruited from the Military Coalition and the National Military and Veterans Alliance. They represent over 4.2 million members, 56 various

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military associations and groups, and the views and interests of a large number of eligible beneficiaries worldwide.

- 5. Candidate Identification Process:** The Panel, in selecting potential candidates, reviews the educational and professional credentials of individuals with extensive backgrounds in organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries; contractors responsible for the TRICARE retail pharmacy program; contractors responsible for the national mail-order pharmacy program; and TRICARE network providers.

Potential candidates are identified when the Panel's Designated Federal Officer and the Panel's professional staff request nominees from the Military Coalition, the National Military and Veterans Alliance, pharmacy contractors, and the TRICARE network providers from each region. Once potential nominees are compiled, their credentials are reviewed by the Designated Federal Officer, in consultation with the Chief, Pharmaceutical Operations Directorate, and the Director TRICARE Management Activity, or designee. The list of potential candidates is then forwarded to the Assistant Secretary of Defense for Health Affairs for review, prior to submission to the Under Secretary of Defense for Personnel and Readiness.

Once potential candidates are identified, the Under Secretary of Defense for Personnel and Readiness reviews the credentials of each individual and narrows the list of potential candidates. During the Under Secretary's review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters that will be reviewed by the Panel to achieve expertise in points of view regarding the anticipated topics.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Panel's charter and membership balance plan. Following this review, the Under Secretary of Defense for Personnel and Readiness formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD.

Following approval by the Secretary or Deputy Secretary, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

Panel and subcommittee member vacancies will be filled in the same manner as described in the previous five paragraphs above.

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, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

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- 6. Subcommittee Balance:** The Department, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees to support the Panel. 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.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as Panel appointments are made. These individuals may come from the parent committee or may be new nominees, as recommended by the Panel's sponsor and based upon the subject matters under consideration.

As required by the Panel's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

- 7. Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
- 8. Date Prepared:** August 1, 2012