

Protocol for the Appointment of Pharmacology and Therapeutics Advisory Committee (PTAC) Members by the Director-General of Health

1. Introduction

1.1. Intent of this Protocol

The Pharmacology and Therapeutics Advisory Committee (PTAC) is an expert clinical advisory committee established by the Pharmaceutical Management Agency (PHARMAC) Board. Its role is to support the medicines funding decision-making process by providing PHARMAC with objective advice on pharmaceuticals and their benefits.¹

District Health Boards (DHBs) have overall responsibility for determining spending priorities to improve the health of their communities. PHARMAC's role on behalf of DHBs is:

To secure for eligible people in need of pharmaceuticals, the best health outcomes that are reasonably achievable from pharmaceutical treatment and from within the amount of funding provided.²

These are difficult decisions and New Zealanders need to be confident that they are fair, provide value for money and are affordable for New Zealand.

This Protocol seeks to ensure that:

- New Zealanders have confidence in an appointment process that complies with applicable legislation, and has been undertaken with integrity and is open and transparent;
- the PHARMAC Board has access to expert clinical advice needed to make robust medicines funding decisions;
- members of PTAC have confidence in their ability to provide unfettered advice to the PHARMAC Board; and
- PTAC has a balance of experienced members and fresh perspectives on the Committee.

1.2. Spirit of public service

PTAC members contribute their time and expertise to support the medicines funding decision-making process. Their input is a critical element of the process and benefits New Zealand and New Zealanders.

Those who assume a role on PTAC do so in the spirit of service to the community. In undertaking this role, members must demonstrate the highest standards of honesty, integrity, impartiality and diligence.

¹ Section 50(1)(a) of the New Zealand Public Health and Disability Act 2000.

² Section 47(a) of the New Zealand Public Health and Disability Act 2000.

1.3. Legislation

PTAC is a statutory committee established by the PHARMAC Board in accordance with section 50(1)(a) of the New Zealand Public Health and Disability Act 2000 (the NZPHD Act). The NZPHD Act requires that the PHARMAC Board establish “a pharmacology and therapeutics advisory committee to provide objective advice to PHARMAC on pharmaceuticals and their benefits”.³

Section 50(4) of the NZPHD Act provides that members of PTAC are appointed by the Director-General of Health (Director-General) in consultation with the Board of PHARMAC.

Every reference to the Director-General must be taken to include a lawful delegate.

1.4. Appointment Principles

Appointments are made according to the following principles:

- the Director-General of Health makes appointment decisions;
- appointments are made in consultation with the Board of PHARMAC;
- all appointments are based on merit and will also take account of the need for PTAC to have, where possible, a balance of skills, knowledge, experience and perspectives; and
- a fair, open and transparent appointment process.

1.5. Scope

This Protocol sets out the process for appointments to PTAC. In addition, the Protocol contains information about the duration of appointment terms, the process to appoint the PTAC Chair and Deputy Chair and the process for terminating membership.

Related information about membership, including Member responsibilities, the appointment process for PTAC subcommittees and the process for reviewing new funding applications can be found in the *Terms of Reference for the Pharmacology and Therapeutics Advisory Committee (PTAC) and PTAC Subcommittees 2008 (PTAC ToR)* issued by PHARMAC. This document can be found at www.pharmac.govt.nz/PTAC.

Capitalised terms used in this Protocol have the same meaning as set out in the *PTAC ToR*.

1.6. Points of contact

The contact points between the Ministry of Health and PHARMAC for matters in respect of the content of this Protocol are:

- the PHARMAC Relationship Manager, Ministry of Health; and
- the PTAC Secretariat, PHARMAC.

³ s50(1) New Zealand Public Health and Disability Act 2000: The board of Pharmac must establish the following advisory committees under clause 14(1)(a) of Schedule 5 to the Crown Entities Act 2004: (a) a pharmacology and therapeutics advisory committee to provide objective advice to Pharmac on pharmaceuticals and their benefits.

The PTAC Secretariat will take responsibility for moving the appointments and reappointments process forward.

2. Preparation

To ensure continuity in the membership of PTAC and sustainable workloads for Members, the Director-General will take steps, in accordance with this Protocol, to undertake the appointment process in a timely way. In as far as possible, this will occur in advance of the expiry of memberships.

A key aspect of any appointment or reappointment process is consideration of the composition and requirements of PTAC. This will be considered in any appointment or reappointment process.

2.1. Membership (role description)

Membership requirements for PTAC are set out in the *PTAC ToR*. Sections 4.1.3 and 4.1.4 of the PTAC ToR state:

In general, PTAC comprises senior health practitioners from multiple specialities selected for their expertise in critical appraisal as well as broad experience and knowledge of pharmaceuticals and their therapeutic indications.

and;

The overall membership of PTAC will be weighted towards practising clinicians and will reflect a wide range of perspectives.

Members are not appointed as representatives of their primary employer or any other organisation.

2.2. Person specification

A general person specification is available at: www.pharmac.govt.nz/PTAC.

The appointment process provides an opportunity to review the current and anticipated future needs of PTAC. Consideration will be given to ensuring the skills and experience of new Members complement the talents of the existing Members, and meet the anticipated needs of PTAC in the future. This information will be combined with the general person specification to develop a person specification to match these requirements.

The final person specification for each vacancy in question will be developed jointly by the Director-General, the PTAC Chair and PHARMAC.

2.3. Locating suitable candidates

In general, candidates will be New Zealanders with a working knowledge of the New Zealand health and disability system. Applications may be sought or considered from overseas

candidates. To be considered, overseas candidates must be able to demonstrate a sound understanding of the New Zealand health and disability setting. The additional cost of appointing overseas candidates must be balanced against the needs of PTAC.

2.4. Publicising vacancies

Vacancies will be widely publicised, including in major newspapers and sector specific publications, to allow anyone with an interest to either apply for membership or to recommend suitable candidates. Relevant health professional or consumer groups who express an interest in being contacted directly in respect of PTAC vacancies will be invited to forward applications of interested persons.

The Director-General, and/or PHARMAC, may also directly invite applications from suitable candidates.

2.5. Documentation for applicants

Information packs will be sent to all applicants. These will include a person specification, a copy of the *PTAC ToR*, an indication of the required time commitment, remuneration details and information about PHARMAC.

2.6. Term of appointment

2.6.1. New appointments

Members of PTAC are generally appointed for a term of three years.

The Director-General may appoint Members for a term other than three years, in consultation with the PHARMAC Board, for example to:

- avoid terms of appointment expiring at the same time and thereby ensure the Committee retains a balance of experienced Members;
- allow for particular expertise to be appointed where needed for an identified period; and
- bring new skills or perspectives to the Committee.

2.6.2. Reappointments

Recognising that there are a limited number of people with the necessary skills and that it takes time to become an effective Member of the Committee, Members generally can be considered for reappointment for up to three terms, or a total period of service of nine years.

Reappointments will be made in consultation with the PHARMAC Board and the PTAC Chair, following a review of the composition of PTAC, and subject to a satisfactory performance review as set out in paragraph 2.8. A contestable appointment process is not required for reappointments, although the Director-General may choose to follow such an approach.

2.7. Appointment of Chair and Deputy Chair

The PTAC Chair should be a senior health practitioner with recognised standing in their field of expertise. Recognising that potential candidates with the time and level of experience

necessary to undertake this role are limited, the PTAC Chair generally will be able to serve up to a maximum of four terms, or a total of 12 years, on the Committee. This duration includes membership in all capacities.

The Director-General must, in consultation with the PHARMAC Board, by written notice appoint a Member of PTAC as Chair; and may appoint another Member of PTAC as Deputy Chair. The Chair will ordinarily be a person with no less than three years prior membership of PTAC.

The appointment must state the period for which the Member is appointed Chair or Deputy Chair and the date on which he or she comes into that office.

A Member appointed Chair or Deputy Chair and whose appointment has expired, continues in that office until his or her successor is appointed, and is eligible for reappointment to that office so long as he or she continues to be a member of PTAC.

2.8. Review of performance

At the end of their term, if a Member is seeking reappointment, they will be subject to a performance review from the PTAC Chair. The PTAC Chair will subsequently advise the PHARMAC Board and Director-General on that Member's performance to date, and whether or not that Member is suitable for reappointment. After considering the Chair and PHARMAC Board's advice, the Director-General will determine if the Member is reappointed.

The Member may request, and be given, a copy of any report of this review.

2.9. Short-Term or Temporary appointments

The Director-General, in consultation with the PHARMAC Board, may appoint a person to PTAC in order to fill a short-term or temporary membership vacancy. In doing so, the Director-General may deviate from some or all of the steps in the usual appointment process, as appropriate for the particular circumstances. Short-term or temporary appointments should not exceed six months in duration.

2.10. Termination of appointments

Members should inform the Director-General in writing of their intention to resign from PTAC at the earliest available opportunity, copied to the PTAC Chair and the PHARMAC Board for their information.

As the individual responsible for appointments to PTAC, the Director-General may at any time, in consultation with the PHARMAC Board, remove a Member (including the Chair or Deputy Chair) from PTAC. In the case of the Chair or Deputy Chair, their removal may be from those positions only, or also as Members. The Director-General will inform the Member in writing, giving reasons for the termination of their membership or removal from their position.

In accordance with section 91 of the NZPHD Act, PHARMAC may not make any payment to, or otherwise compensate, any person in respect of the person ceasing for any reason to be a member.

3. Selection and Appointment

3.1. Interview panel

The Director-General with the support of PHARMAC will establish an interview panel consisting of at least three people. This will include representation from the Ministry of Health, PHARMAC and the PTAC Chair or their delegate. The interview panel will ordinarily include a person who brings a Māori perspective to the interview process.

3.2. Developing selection criteria

The Director-General, together with the PTAC Chair or their delegate, and PHARMAC will identify the selection criteria in respect of the particular vacancy. These criteria will be identified prior to advertising a position, and will reflect the Person Specification, the membership requirements outlined in the *PTAC ToR* and the particular needs of PTAC at the time. The position will be advertised, but responses to advertisements may not be the only source of applicants.

3.3. Selecting a shortlist

Based on the selection criteria, the interview panel will jointly identify a candidate shortlist to proceed to interview. Confirmation of details contained in a candidate's curriculum vitae and disclosures of interests will be considered at this stage.

3.4. Interviews

The interview panel will interview all short listed candidates. Candidates will be assessed against the selection criteria. The interview panel will then seek to jointly identify a preferred candidate. The shortlist of candidates, along with the interview panel's recommendation will be forwarded to the PHARMAC Board for its consideration and comment. Where the panel cannot reach a consensus, the PHARMAC Board will be briefed on the diverging opinions of the panel.

3.5. Candidate selection

The short list of candidates and their curricula vitae, the interview panel's recommendation(s) and any additional comments or recommendations from the PHARMAC Board will be forwarded to the Director-General for consideration.

Considering this information, the Director-General will determine the successful candidate to be appointed as a PTAC Member. Where the Director-General's preferred candidate differs from the candidate supported by the PHARMAC Board, the PHARMAC Board will be advised in advance of a final appointment decision and given further opportunity to provide comment to the Director-General.

3.6. Conflicts of interest

Candidates (and Members) are required at all times to fully disclose and appropriately manage any interests and conflicts of interest that may affect the performance of their duties and obligations, consistent with the Crown Entities Act 2004 provisions relating to members of a committee of a statutory entity.

The policy for managing conflicts of interest is outlined in detail in section 7 and Appendix 3 of the *PTAC ToR*. This can be found on the PHARMAC website at: www.pharmac.govt.nz/PTAC