

WORKPLACE SAFETY AND INSURANCE BOARD

DRUG ADVISORY COMMITTEE

TERMS OF REFERENCE

A. BACKGROUND

The Workplace Safety and Insurance Board (“**WSIB**”) seeks to facilitate, in a financially responsible and accountable manner, the recovery of people who sustain a personal injury arising out of and in the course of employment or who suffer from an occupational disease. As part of these efforts, the WSIB provides a drug benefit program under the *Workplace Safety and Insurance Act*, paying for drugs required by injured people as a result of such injury or disease.

B. OBJECTIVE

To ensure its drug benefit program is administered in accordance with best practices, the WSIB established the Drug Advisory Committee to advise the WSIB on a variety of issues relating to WSIB’s drug benefit program (“**Committee**”). The Committee will:

- (a) adopt and follow an evidence-based approach;
- (b) make recommendations to the WSIB regarding the composition and management of its drug formularies; and
- (c) provide advice to the WSIB which reflects current medical and scientific knowledge and current clinical best practice.

C. MANDATE OF COMMITTEE

The Committee’s mandate is to provide drug formulary management advice such as formulary listing recommendations, conditions and/or criteria for coverage, and *ad hoc* advice on Drug Benefit Program issues as the WSIB may identify.

D. RESPONSIBILITIES OF THE COMMITTEE

1. Key Responsibilities

The 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 the WSIB those products which should be included or excluded from the WSIB’s drug formularies and advise the WSIB of the conditions under which such products should be purchased for people with workplace injuries or illnesses;
- (b) monitor and evaluate, on a regular basis, the list of drugs available in view of drug use patterns, experience and current scientific knowledge;

- (c) advise the WSIB as to the best structure for the WSIB’s drug formularies, such as formulary configuration;
- (d) advise the WSIB as to the best manner to address use of new drugs which become available;
- (e) advise the WSIB as to appropriate conditions to attach to drugs included in the WSIB’s formularies, such as approving various drug therapies sequentially or requiring more frequent medical reports regarding people’s responses to particular drug therapies;
- (f) contribute to 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 the WSIB.

2. Committee Recommendations on Formulary Listings

In respect of each drug reviewed or considered by the Committee, the Committee will make a recommendation to the 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 will be provided by WSIB.

Each recommendation will be a separate document, in a format which will be agreed upon by the WSIB and the Committee. Each recommendation will include the Committee’s reasons in support of such recommendation regarding the particular drug.

E. COMPOSITION OF COMMITTEE

1. Membership

The Committee will consist of a minimum of five and a maximum of eight voting members, including the Chair and Vice-Chair. One of those voting members (“**Public Member**”) will be a representative of the general public. Additionally, there will be one WSIB staff member (“**WSIB DAC Member**”), who will be a non-voting member. Each of the voting members and the WSIB DAC Member is a “**Member**”.

2. Length of Appointment

All Members will be appointed by the WSIB and will serve at the WSIB's discretion. The WSIB will appoint the combination of Members which, in its opinion, provides the blend of qualifications and experiences most likely to optimize the quality of advice provided by the Committee.

The WSIB intends the tenure of the Members to vary, e.g., to ensure the appropriate available expertise and continuity from year-to-year. In general, a Member's tenure is expected to be two to three years; the WSIB DAC Member will serve for an indefinite period. A Member's tenure in the role of Chair or Vice Chair is expected to be two or more years.

As appointments may be renewed, extended, or terminated by the WSIB in its discretion, the actual tenure for any Member may be more or less than described above. Either the WSIB or a Member may terminate the appointment in accordance with Section 8.

3. Qualifications

Members (excluding WSIB DAC Member and Public Member) must (i) possess a professional degree from a recognized institution in at least one of the following disciplines: Medicine, Pharmacy, Pharmacology, or Economics, or possess some other appropriate professional designation; (ii) be in active practice and/or research in such settings and with such experience as may be desired by the WSIB (e.g., community, hospital or academic settings with critical appraisal expertise); (iii) have drug-related experience desired by the WSIB (e.g., experience in drug therapy, drug evaluation, drug safety, formulary management/drug utilization); and (iv) have specialization or advanced standing in one or more of the following areas:

- internal medicine
- physiatry
- pain management
- occupational disease
- family medicine
- hospital or community pharmacy
- clinical pharmacology
- clinical epidemiology
- health policy
- pharmacoeconomics

Regulated health professionals must be licensed in good standing in Ontario.

Where desired by the WSIB, Members may be sought with other suitable qualifications.

The Public Member must have suitable knowledge of the health care and compensation systems and is expected to be a broad-minded, capable, and respected individual.

All Members will be required to review and synthesize considerable volumes of information, and be able to successfully discuss important and controversial issues. Success will require effective communication skills (particularly strong listening skills), constructive teamwork, and the appreciation of diverse viewpoints and opinions of other Members and subject matter experts.

4. WSIB Background Checks

The WSIB conducts background checks in respect of many matters. If the WSIB is concerned about a Member, the Member will cooperate with WSIB regarding background checks and continuation of the Member's appointment may be conditional or limited.

5. Conflict of Interest

Each Member will read and become familiar with the WSIB's Code of Business Ethics & Behaviour as issued from time-to-time (the "**Code**") and will behave in accordance with it, ensuring that their behaviour does not place the WSIB or its personnel in breach of their obligations under the Code.

A Member may (whether in the past five years, currently, or in the future):

- (i) perform research funded by a pharmaceutical company or related organization on one or more patented drug products;
- (ii) provide advice to or perform consulting work for a pharmaceutical company or related organization in connection with one or more patented drug products; or
- (iii) receive compensation for travel, education, presentation, publication, academic appointment or other purpose funded by a pharmaceutical company or related organization.

Such activities do not constitute a conflict of interest sufficient to prohibit a Member from fulfilling his or her role and responsibilities as a Member, provided that where a Member has performed any of the activities described in paragraphs (i), (ii) and (iii) above in respect of a particular drug to be considered by the Committee, the Member will immediately disclose such activities to the Chair (who will inform the Committee and the WSIB's COO) but in any case no later than at the commencement of its meeting, and the Member will not participate in discussions relating to such drug (and, for greater certainty, will not influence other Members or vote on any recommendations pertaining to such drug). Where required by the Chair, the Member will not remain in the room during such discussions or vote.

It will be a conflict of interest for a Member to:

- (a) own a controlling interest in a pharmaceutical company;
- (b) be an officer, director, or employee of a pharmaceutical company; or

- (c) have been an officer, director, or employee of, or held securities in, a pharmaceutical company (or received securities as a result of such relationship) beginning two years before the Member's actual or potential appointment, or anytime thereafter). For clarity, securities holdings which are part of RRSPs/RESPs that are not self-administered or self-directed and investments in open-ended mutual funds shall not be considered to create a potential conflict of interest;

and the Member will immediately disclose in writing such information to the WSIB.

6. Role and Responsibilities of Chair

In addition to fulfilling the same role and responsibilities as each other Member, the Chair will fulfil the following responsibilities:

- (a) if requested by the WSIB, then 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 Committee meetings;
- (c) in consultation with the WSIB, prepare the agenda for each 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 and does not influence discussions or voting 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 approval by the Committee of the draft meeting minutes provided by the WSIB, sign the minutes, and forward a copy to each Member and the WSIB;
- (f) upon the Committee making a recommendation, request the WSIB to prepare the recommendation in accordance with the format which has been agreed upon with the WSIB (ensuring that it includes the Committee's reasons in support of such recommendation regarding the particular drug), and affix his or her signature thereto;
- (g) 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;
- (h) provide written reports to the WSIB whenever:
 - (i) a Member is absent for more than three meetings in a twelve-month period;
 - (ii) the Chair has approved a request by a Member for an extended absence, and the length and reasons therefore; or

- (iii) the Chair believes it is in the best interest of the Committee that a particular individual no longer be a Member, recommending to the WSIB that the Member's appointment be terminated;
- (i) provide written and verbal status reports to, and as requested by, the WSIB, of the activities of the Committee;
- (j) meet annually with the Chief Operating Officer of the WSIB (or designate) (and at such other times as the WSIB may request) to provide a status report on the work of the Committee, and respond to any questions of the Chief Operating Officer;
- (k) act as the key liaison between the WSIB and the Committee;
- (l) as requested by the WSIB speak to various groups (such as the WSIB's board of directors, groups of WSIB staff, and external stakeholder groups, such as the Ontario Medical Association) regarding the Committee and its work; and
- (m) review any requests by a Member for approval to publish any academic articles relating to the work of the Committee, advise the WSIB as to the Chair's views relating to such articles, and advise the Member of the WSIB's decision.

7. Role and Responsibilities of Vice Chair

In addition to fulfilling the same role and responsibilities as each other Member, the Vice-Chair will fulfil the role and responsibilities of the Chair in the event of the Chair's absence or incapacity. If requested by the WSIB, then together with the Chair, the Vice Chair will recommend to the WSIB candidates for appointment as Members to the Committee.

8. Role and Responsibilities of Members

The appointment of each Member is conditional upon the Member accepting the appointment and any terms and conditions to which it is subject, including these Terms of Reference. At a minimum, the Member:

- (a) will comply with the Terms of Reference of the Committee which is in effect from time to time;
- (b) will comply with the WSIB's Code of Business Ethics & Behaviour;
- (c) will avoid any conflict of interest, and will disclose any conflict of interest in accordance with these Terms of Reference;
- (d) will attend an orientation session conducted by the WSIB after the Member's appointment to the Committee;
- (e) acknowledges that:

- (i) the name and curriculum vitae of the Member;
- (ii) the minutes of the Committee meetings; and
- (iii) the recommendations of the Committee

may be made publicly available by the WSIB, including by the WSIB on its website;

- (f) subject to reasonable limitations, will be indemnified by the WSIB for any liability incurred by Member by reason of being or having been a Member of the Committee;
- (g) will be paid a *per diem* or other suitable compensation determined by the WSIB, and any reimbursement of the Member for expenses incurred will be done in accordance with the WSIB's policy for business travel;
- (h) will notify the Chair and the WSIB's Chief Operating Officer, either in writing or orally (with a confirmatory letter), of any circumstance preventing the Member's fulfilment of their role;
- (i) will refer to the WSIB's Vice President, Communications & Intergovernmental Affairs all requests for comment on or information about the work of the Committee;
- (j) will 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;

Subject to the Member's confidentiality obligations, if the Member wishes to make presentations to third parties or submit for publication any articles (either, a "**Proposed Publication**") in connection with or related to the activities or recommendations of the Committee, the Member will provide a copy of such Proposed Publication to the Chair of the Committee (the "**Chair**") for review by, and to request approval from, the Chair and the WSIB. The WSIB will require the Chair of the Committee to review such Proposed Publication for methodological and scientific rigor, and to provide the WSIB with a copy of the Proposed Publication together with the Chair's views concerning it. Where the Chair advises the WSIB that the Chair is prepared to approve such Proposed Publication, the WSIB Representative will consider both the Proposed Publication, and the Chair's comments, and will advise the Chair and the Member as to whether or not the WSIB approves the Proposed Publication. The Member will not present to third parties, or submit for publication, or publish, any Proposed Publication without the prior written approval of the Chair of the Committee and the WSIB of such Proposed Publication. Approval by the Chair of the Committee and the WSIB of a Proposed Publication does not in any way relieve the Member of the Member's obligations to secure all rights (from the WSIB, other Committee members, or third parties) necessary to permit the Member to present or publish the Proposed Publication. It will be in the WSIB's sole discretion whether to approve the Proposed Publication, and without limiting the generality of the foregoing, the WSIB may elect not to approve the Proposed Publication where the WSIB has concerns about the methodological and/or scientific rigor of the Proposed Publication, or where, in the WSIB's opinion, presentation or

publication of the Proposed Publication would tend to bring the WSIB or the Committee into public disrepute, contempt, scandal, or ridicule or would tend to shock, insult or offend the community, or any group or class thereof.

The Member may have access to information confidential to the WSIB which is clearly identified as confidential at the time of disclosure or which the Member should have reasonably understood to be confidential (“**WSIB Confidential Information**”). The Member will hold all WSIB Confidential Information and Personal Information (as defined in FIPPA, see below) in strict confidence, using not less than a reasonable standard of care, and will use such information only for the benefit of the WSIB. All such information must remain in Canada alone and must not be accessed from outside Canada. The WSIB is bound by the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31, as amended (“**FIPPA**”). Upon request, the Member will follow the WSIB’s instructions regarding WSIB Confidential Information and Personal Information, and will return all Personal Information and WSIB Confidential Information. The WSIB is subject to the Open Data Directive as amended (the “**ODD**”), and data (as defined under the ODD) relating to this Agreement may be released or published by the Government of Ontario.

The Member or the WSIB may terminate the Member’s appointment at any time by providing written notice of the termination to the other party and to the Chair concurrently. The Member will provide at least four weeks’ notice to permit the WSIB to appoint a replacement. Upon termination of this appointment, the Member will return all WSIB property in the Member’s possession, including all confidential information.

9. Role and Responsibilities of WSIB DAC Member

The WSIB DAC Member will have the same role and responsibilities as other Members, although the WSIB DAC Member will not enter into an agreement with the WSIB and will not vote on any matter before the Committee. All elements of the roles and responsibilities of a Member described above that are not inconsistent with being an employee of the WSIB will apply to the WSIB DAC Member.

10. Committee Meetings

The Committee will meet at least four times each calendar year. Each meeting will 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 voting Members (including the Chair and Vice Chair) will constitute a quorum for the purposes of being able to make recommendations regarding formulary listings or management, or to conduct other business of the Committee.

Where the Committee determines that it has questions which require expertise not available within the Members or to the WSIB, the Chair will advise the WSIB and specify the particular expertise needed. To the extent reasonably possible, the WSIB will arrange and pay for a suitable expert to attend a subsequent Committee meeting.

Every Committee recommendation regarding formulary listings or management 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(s) for the adoption of each recommendation, except where they have declared a conflict of interest. For greater clarity, a voting Member who participates in the discussion on a particular matter may not abstain from voting on such matter. The votes of the Chair and Vice Chair will be counted.

Any Committee action other than a Committee recommendation regarding formulary listings or management requires the affirmative vote of a majority of the voting Members present, whether or not any Member abstains. The votes of the Chair and Vice Chair will be counted, and the Chair (or Vice Chair in the Chair's absence) will decide any tied vote.

F. WSIB'S ROLE AND RESPONSIBILITIES

1. The WSIB will retain authority to make all decisions relating to the Drug Benefit Program, such as decisions relating to drug formularies, and the overall management of the Drug Benefit Program.
2. The WSIB will appoint all Members of the Committee. Appointments will normally follow a transparent selection process which will periodically seek the nomination of qualified individuals, but the WSIB may also appoint Members directly where desirable (e.g., to fill an unexpected vacancy). The WSIB may maintain a list of suitable candidates, including those who have previously expressed an interest in joining the Committee, or who have been suggested by the Committee or by third parties.
3. The WSIB will ensure appropriate WSIB representatives (such as its Medical Director and Pharmacy Professional Practice Lead, a physician, nurse, and/or pharmacist, etc.) attend all Committee meetings. These individuals will have appropriate medical and pharmaceutical 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 Committee. These WSIB representatives will not be Members of the Committee, and will not vote on any recommendations. They will, however, actively participate in discussions during meetings, and will obtain and present additional information and/or expert advice as requested by the Chair.
4. The WSIB will assign appropriate staff to perform all administrative and clerical support functions necessary to ensure the effective and efficient operation of the Committee, such as the performance of the following activities:
 - (a) preparing and submitting background materials for review by Members prior to meetings;
 - (b) preparing draft minutes of all Committee meetings, and forwarding them to the Committee for approval;

- (c) preparing and maintaining records of all recommendations made by, and advice given by the Committee; and
- (d) 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 WSIB's Chief Operating Officer, whereupon the amended Terms of Reference will replace and supersede the former Terms of Reference, and a copy of the amended Terms of Reference will be provided to each Member by the WSIB.
2. The Chief Operating Officer may from time to time delegate in writing to one or more members of the WSIB's personnel (including the WSIB DAC Member) any or certain of the WSIB's responsibilities under these Terms of Reference, except the authority to approve the amendment of these Terms of Reference. The WSIB will provide a copy of each such delegation to the Chair of the Committee.

Approved by:



April 24, 2018

Chief Operating Officer

Date