

Membership Balance Plan
Uniform Formulary Beneficiary Advisory Panel

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 1074g(c) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Uniform Formulary Beneficiary Advisory Panel (“the Panel”).
2. Mission/Function: Pursuant to 10 U.S.C. § 1074g(c)(1), the Panel shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)), and the Director, Defense Health Agency, 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.
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.

Panel members, who are not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Panel members, who are full-time or permanent part-time Federal employees, shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as regular government employee (RGE) members.

The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Panel. The Department has found that viewing the complex issues facing the DoD through a multi-disciplinary advisory committee, provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Members of the Panel are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Panel’s membership 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 USD(P&R) as the Panel’s Sponsor. In addition, the Department, unless otherwise required by statute or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals with extensive backgrounds in

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organizations 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 as required by 10 U.S.C. § 1074g(c)(2). Potential candidates are identified by the Panel's Designated Federal Officer, DoD professional staff members, and stakeholders.

Once potential candidates are identified, the ASD(HA) in consultation with the Director, Defense Health Agency reviews the credentials of each individual and narrows the list of potential candidates. During the ASD(HA) review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Panel to achieve expertise in terms of points of view represented and functions to be performed.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for review and formal nomination to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list will undergo a review by the Office of General Counsel of the Department of Defense 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 USD(P&R) formally nominates the potential candidates to the Secretary of Defense or the Deputy Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

Following approval by the Secretary of Defense or the Deputy Secretary of Defense, 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 who are appointed as SGE members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Panel, to include its subcommittees, for one-to-four year terms of service, with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees.

Membership vacancies for the Panel and its subcommittees will be filled in the same manner as described in the previous five paragraphs above.

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

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as members of the Panel, to include annual renewals. Individuals considered for appointment to any subcommittee of the Panel may come from the Panel itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matter

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under consideration, but they must be approved by the Secretary of Defense or the Deputy Secretary of Defense before participating in any subcommittee work.

Subcommittee members, who are not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal employees shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members.

7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the rules and regulations issued by the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Panels and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.

8. Date Prepared: August 1, 2014