

**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

**EXECUTIVE ORDER NO. 07-19**

**[Drug Utilization Review Board]**

**WHEREAS**, the State of Vermont participates in the Medicaid program; and

**WHEREAS**, the Omnibus Budget Reconciliation Act of 1990 (the “Act”), codified at 42 U.S.C. § 1396r-8(g), requires the establishment of a drug use review program for states that participate in Medicaid; and

**WHEREAS**, the drug use review program must assure that outpatient drug claims for prescription drugs are appropriate, medically necessary and are not likely to result in adverse medical results; and

**WHEREAS**, the Act requires a Drug Use Review Board be established to carry out the requirements of the program under the sponsorship of the state Medicaid agency.

**NOW, THEREFORE**, I, Philip B. Scott, by virtue of the power vested in me as Governor, do hereby amend and reconstitute a Drug Utilization Review Board (the “Board”), as follows:

**I. Composition and Appointments**

The Drug Utilization Review Board created by this Executive Order shall be a continuation and successor to the Board established by Executive Order No. 08-10 (codified at Executive Order No. 33-20), dated September 8, 2010.

Members of the Board on the effective date of this Executive Order shall be reappointed by the Commissioner of the Department of Vermont Health Access and shall be divided into three classes, as nearly equal in number as possible, designated as Class I, Class II and Class III. Class I members shall initially serve until August 31, 2020; Class II members shall initially serve until August 31, 2021; and Class III members shall initially serve until August 31, 2022. Board members appointed to succeed members whose terms expire shall be appointed for staggered three-year terms expiring on August 31<sup>st</sup> of the third year following their appointment.

At least one-third, but not more than half, of the Board's membership shall be licensed and actively practicing physicians appointed by the Commissioner of the Department of Vermont Health Access with the approval of the Governor.

At least one-third of the membership of the Board shall be licensed and actively practicing pharmacists appointed by the Commissioner of the Department of Vermont Health Access with the approval of the Governor.

The Board may include other members as proposed by the Commissioner of the Department of Vermont Health Access and approved by the Governor.

In case of any increase or decrease, from time to time, in the number of Board members, the number of members in each class shall be apportioned as nearly equally as possible.

The Chair shall be elected by vote of the members.

## **II. Charge**

The Board shall carry out the duties and responsibilities required by federal and State law and shall participate in the efforts of the Department of Vermont Health Access to assure that prescriptions for Medicaid patients are appropriate, medically necessary and not likely to result in adverse medical results.

Specifically, the Board shall:

- (a) approve any standards utilized in both prospective and retrospective drug utilization review;
- (b) evaluate the results of the application of standards to Medicaid claims data to identify utilization patterns which suggest drug therapy problems;
- (c) determine the content and methodology of specific activities to educate practitioners on common therapy problems;
- (d) provide ongoing educational interventions for practitioners targeted through retrospective review; and
- (e) report annually to the Commissioner of the Department of Vermont Health Access concerning the nature and scope of retrospective drug utilization review and educational activity.

Members of the Board who are not otherwise employed by the State may receive per diem compensation in accordance with 32 V.S.A. § 1010(e), subject to the availability of funding.

The Board shall be attached to the Department of Vermont Health Access for administrative support.

**III. Effective Date**

This Executive Order shall take effect upon signing and shall supersede and replace Executive Order No. 08-10 (codified at Executive Order No. 33-20), dated September 8, 2010.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 5<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "Philip B. Scott", is written over a horizontal line. The signature is stylized and cursive.

Philip B. Scott  
Governor

By the Governor:

A handwritten signature in black ink, appearing to read "Brittney L. Wilson", is written over a horizontal line. The signature is cursive and stylized.

Brittney L. Wilson  
Secretary of Civil and Military Affairs

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