The Committee was presented with 14 cases/complaints. After much discussion by the Committee members, it was determined that the cases were a material violation of the statute. The question was put forth as to whether each case rose to the level of violation of the statute and what recommendation the Committee thought appropriate to forward to the Insurance Commissioner.

Mr. Lewandowski made a motion, seconded by Ms. Maxwell that would create a differential of fine amounts when the complaint involved a referral to a PBM-owned mail order pharmacy. In this instance, the fine would be set at $5,000 per occurrence while a referral to a non-owned pharmacy would be set at $3,000 per occurrence. The motion was seconded by Mr. Dixon. With acceptance of the amended motion, the Chair asked for approval: all members signified support with no objections. Mr. Baldwin and Mr. Moore abstained from voting since they had missed portions of the discussion.

Further discussion by the Committee on the topic of violations of this nature took place, specifically related to recurring and consistent complaints received by the Compliance Department. A question was put forth as to whether each case rose to the level of violation of the statute and what recommendation the Committee thought appropriate to forward to the Insurance Commissioner. The Committee observed that the practice of failing to respond to a complaint was viewed negatively by the Enforcement Division.

On the issue of the fifteen complaints presented, a motion was made by Mr. Consedine, seconded by Mr. Baldwin to impose a fine of $5,000 per occurrence while a referral to a non-owned pharmacy would be set at $3,000 per occurrence. The motion was seconded by Mr. Dixon. With acceptance of the amended motion, the Chair asked for approval: all members signified support with no objections.

Further discussion by the Committee on the topic of violations of this nature took place, specifically related to recurring and consistent complaints received by the Compliance Department. A question was put forth as to whether each case rose to the level of violation of the statute and what recommendation the Committee thought appropriate to forward to the Insurance Commissioner.