

ALLEGATIONS OF FACT

4. Respondent submitted an application to renew its Oklahoma PBM license to the Oklahoma Insurance Department's ("OID") Regulated Industry Services Division ("RIS Division") on or about March 31, 2020.

5. Upon reviewing said application, the RIS Division discovered that Respondent's application did not comply with Okla. Admin. Code § 365:25-29-5 (i.e., certificate of good standing from the State of Missouri and a certificate of good standing from the State of Oklahoma missing).

6. Between April 9, 2020 and July 10, 2020, the RIS Division and Respondent corresponded to remedy the deficiencies with Respondent's application for renewal.

7. Respondent continued to process PBM claims for Oklahoma residents after its Oklahoma PBM license expired on March 31, 2020.

8. As of the date of this Order, Respondent's Oklahoma PBM license has been renewed through March 31, 2021.

ALLEGED VIOLATIONS OF LAW

9. Pursuant to 59 O.S. § 358(A), "[i]n order to provide [PBM] or any of the services included under the definition of pharmacy benefits management in this state, a [PBM] or any entity acting as one in a contractual or employment relationship for a covered entity shall first obtain a license from the [OID]."

10. Pursuant to 59 O.S. § 357(6)(a), pharmacy benefits management "may include any or all of the following . . . claims processing, retail network management and payment of claims to pharmacies for prescription drugs dispensed to covered individuals."

11. Pursuant to Okla. Admin. Code § 365:25-29-11(b)(2), "[a]ny one of the following

acts, in this state, effected by mail or otherwise, is defined to be doing [PBM] business in this state . . . [t]he provision of pharmacy benefit management services to covered individuals residing in Oklahoma.”

12. Respondent violated 59 O.S. § 358(A) by providing PBM services to Oklahoma residents without a current Oklahoma PBM license.

13. Pursuant to Okla. Admin. Code § 365:25-29-10(a), upon determining that a PBM has violated any of the provisions of 59 O.S. §§ 357-360, or upon finding the existence of grounds to refuse the issuance or renewal of such license, the Insurance Commissioner may suspend or revoke a PBM’s license or assess a civil penalty of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each instance of violation, or both. Each day that a PBM conducts business in the State of Oklahoma without a license shall be deemed to be an instance of violation.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent is hereby **FINED Seven Thousand Five Hundred Dollars (\$7,500.00)** for violating 59 O.S. § 358(A). Respondent shall pay the \$7,500.00 fine **within thirty (30) days** of the date of this Amended Conditional Administrative Order. Said payment shall be made payable to the Oklahoma Insurance Department and may be paid by check, cashier’s check, or money order.

Respondent is further notified that it may request a hearing within **thirty (30) days of the date of mailing of this Order**. If Respondent does not request a hearing within **thirty (30) days** of the date of mailing of this Order, this Amended Conditional Administrative Order shall become a **Final Order** on the **thirty-first (31st)** day following mailing of this Order.

A request for hearing shall be made in writing to Kayla M. Rochelle, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds to set aside or modify this Amended Conditional Administrative Order. Upon such request, a hearing shall be conducted before an independent hearing examiner.

The hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq. and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq. If Respondent timely serves a request for hearing, this Amended Conditional Order shall act as a notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Amended Conditional Order shall be considered withdrawn, pending final resolution of this matter through hearing.

WITNESS My Hand and Official Seal this 3rd day of December 2020.

Glen Mulready
Insurance Commissioner
State of Oklahoma



s/ Kayla M. Rochelle
Kayla M. Rochelle, OBA #34014
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Telephone: (405) 521-2748
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Amended Conditional Administrative Order and Notice of Right to be Heard* was mailed by first-class regular mail, certified mail, postage prepaid and return receipt requested, and electronic mail on this 9th day of ~~November~~ December 2020 to:

Medtrak Services LLC
Bayview Corporate Tower
6451 North Federal Highway
Suite 300
Fort Lauderdale, FL 33308

CERTIFIED MAILING NO. **9214 8902 0982 7500 0327 26**

Medtrak Services LLC
10895 Lowell Avenue
Suite 100
Overland Park, KS 66210

CERTIFIED MAILING NO. **9214 8902 0982 7500 0327 33**

legalregulatory@envisionrx.com
mkempker@elixirsolutions.com

and that a copy was delivered to:

Jeanette Pearce
Regulated Industry Services Division



Kayla M. Rochelle

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December 9, 2020, 8:21 pm

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December 9, 2020, 3:58 pm

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December 9, 2020

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Customer Reference Number: C2411831.13807549

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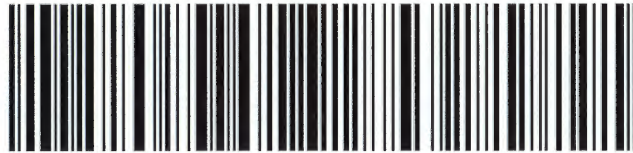
OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

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SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	12/09/2020 15:58
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	12/09/2020 19:06
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	12/09/2020 20:21
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	12/09/2020 21:12
PROCESSED THROUGH USPS FACILITY	KANSAS CITY,MO 64121	12/11/2020 18:20
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CASE NUMBER: 20-0491-DIS
DEPARTMENT: LEGAL/KMR
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CUSTOM 4: 20-0491-DIS