



400 NE 50th Street
Oklahoma City, OK 73105

405.521.2828
oid.ok.gov

Mark Lewandowsky, Chair
Jim Consedine, Member
Gregory S. Huenergardt, Member

Melanie Maxwell, Member, Co-Chair
Rose Thomas-Bendel, Member
Kimberly Baker, Member
Anthony J. "A.J." Ferate, Member

PATIENT'S RIGHT TO PHARMACY CHOICE COMMISSION – REGULAR MEETING

A regular meeting of the Patient's Right to Pharmacy Choice Commission as established by 36 O.S. § 6966 et seq. will be held on Thursday, August 18, at 10:00 a.m. The meeting will take place in-person in the Public Conference Room of the Oklahoma Insurance Department ("OID"), 400 NE 50th Street, Oklahoma City, Oklahoma 73105. See HB 2123, 2021. This public meeting is being held consistent with the Open Meeting Act, 25 O.S. § 301 et seq.

A teleconference line will be available for the public to utilize during the business portion of the meeting. A teleconference line will not be available during any hearings set before the Commission.

CONFERENCE LINE: +1-866-846-9071 United States (Toll Free) PIN: 65715

Loss of connectivity: If connection is lost at any time during this meeting, the meeting will be stopped and reconvened once connection is reestablished. If connection cannot be restored after thirty (30) minutes, the meeting will be stopped, and a special meeting will be scheduled.

The Patient's Right to Pharmacy Choice Commission currently consists of the following members who will appear in-person: Mark Lewandowski, James F. Consedine, II, Melanie Maxwell, Rose Thomas-Bendel, Kimberly Baker, Gregory S. Huenergardt and Anthony J. "A.J." Ferate.

The following OID staff are expected to attend in-person: Kelli Price, Dilan Lyda, Ashley Scott, Glenn Disher, Tracy Keeley, Sarah Smith-Droz dov and Benna Nye

AGENDA

The following items will be discussed and considered by the Commission. It is anticipated that action may be taken on any item listed on the agenda, at the discretion of the Commission. Pursuant to Title 25 O.S. § 307(B)(4), (7), and (8), executive session may be necessary regarding any case which is set for hearing before the Commission. * Breaks may be taken as necessary.

- I. **Call to Order & Commission Roll Call**
- II. **Review & approval of Pharmacy Choice Commission meeting minutes from May 12, 2022 meeting**
- III. **Review of Quarterly Report to Pharmacy Choice Commission:**
 - a. **Presented by Kelli Price, OID Managing Counsel**
- IV. **Status review: *PCMA v. Mulready* before the 10th Circuit Court of Appeals**
- V. **Review of SB737, aggregate reporting requirements, OID Bulletin 5-2022 (at <https://www.oid.ok.gov/bulletin-5-2022/>), and the reporting template (available at <https://www.oid.ok.gov/regulated-entities/pbm/>)**



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Insurance Commissioner, Glen Mulready

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- VI. **Review and discussion of pharmacy network adequacy standards as provided by the Patient's Right to Pharmacy Choice Act, inquiry and reporting procedures, and reporting template**
 - a. **Presented by Glenn Disher, PBM Compliance and Enforcement Officer**
- VII. **Review of NCPA's ERISA and Medicare Part D Preemption Analysis**
- VIII. **Questions / Comments from Commission members, OID, and audience**
- IX. **Adjournment of Business Meeting**

PBM Compliance & Enforcement Hearings before Commission:

- 1) **Call scheduled hearing(s) to Order & Commission Roll Call**
- 2) **Presentation of Case(s) for Hearing(s):**
 - i) **Case Number 22-0122-DIS, State of Oklahoma v. Prime Therapeutics L.L.C.:**
 - (1) **ALJ'S ruling on Prime Therapeutics L.L.C.'s Motion for Disqualification of Commission Member Gregory Huenergardt**
 - (2) **ALJ'S ruling on Prime Therapeutics L.L.Cc's Motion for Disqualification of Commission Member Melanie Maxwell**
 - (3) **State's Statement of Charges and Notice of Hearing**
 - ii) **Case Number 21-0568-DIS, State of Oklahoma v. Express Scripts:**
 - (1) **Express Scripts' Motion for Continuance and Request for Hearing**
- 3) **Adjournment of PBM Compliance & Enforcement Hearing(s)**