



PATIENT'S RIGHT TO PHARMACY CHOICE COMMISSION

Insurance Commissioner, Glen Mulready

400 NE 50th Street
Oklahoma City, OK 73105

405.521.2828
oid.ok.gov

Mark Lewandowski, Chair
Gregory S. Huenergardt, Member
Melanie Maxwell, Member, Co-Chair
Rose Thomas-Bendel, Member

Anthony J. "A.J." Ferate, Member
Gena Perry, Commission Member
Teah Corley, Commission Member

REGULAR MEETING OF THE PHARMACY CHOICE COMMISSION

Thursday, January 19, 2023, at 10:00 a.m.

MINUTES

A regular meeting of the Patient's Right to Pharmacy Choice Commission ("Commission") was held on January 19, 2023, at 10:00 am at the Oklahoma Insurance Department ("Department"), 400 NE 50th Street, Oklahoma City, Oklahoma. The agenda was posted on the Oklahoma Insurance Department's website and in a prominent public view by the front doors of the Department 24 hours in advance in accordance with 25 O.S. § 311. The meeting notice was sent to the office of the Oklahoma Secretary of State, also pursuant to 25 O.S. § 311.

Members present were Chairman Mark Lewandowski, Melanie Maxwell, Anthony J., "AJ" Ferate, Gregory Huenergardt, Gena Perry, Teah Corley, Rose Thomas-Bendel.

Call to Order

Call to order 10:00 a.m. by Chairman Lewandowski, Commission's Chair.

Roll Call

After the roll call was taken, Commissioner Chairman Lewandowski announced the presence of a Quorum.

Minutes

Commissioner Ferate motioned for approval of the minutes of the October 20, 2022, and November 17, 2022, meetings. The motion was seconded. The motion was passed unanimously by the members.

Review and Possible Discussion of the 2022 – 4th Quarterly Report

Kelli Price, OID Managing Counsel and Director of PBM Compliance, presented a review of the 2022 – 4th Quarterly Report.

Review and Possible Discussion of Title 36 O.S. § 6966(C) Regarding Review and Approval of Consent Agreements and Settlements

Presentation and explanation made by Kelli Price regarding the authority of the Oklahoma Insurance Commissioner to enter into settlement agreements outside of administrative action before the Commission. It was suggested by Vice-Chairman Maxwell to add a standing agenda item to review the PBM related Settlement Agreements that OID submitted.

Presentation and possible discussion of the Open Meetings Act, Open Records Act and Public Official Ethics

Presented by Assistant Attorney General and Counsel for the Pharmacy Choice Commission, Liz Stevens.



PATIENT'S RIGHT TO PHARMACY CHOICE COMMISSION

Insurance Commissioner, Glen Mulready

400 NE 50th Street
Oklahoma City, OK 73105

405.521.2828
oid.ok.gov

Mark Lewandowski, Chair
Gregory S. Huenergardt, Member
Melanie Maxwell, Member, Co-Chair
Rose Thomas-Bendel, Member

Anthony J. "A.J." Ferate, Member
Gena Perry, Commission Member
Teah Corley, Commission Member

Public Comment

Comment made by member of the public requesting a copy of the Open Meetings Act, Open Records Act, and Public Official Ethics presentation materials.

Adjournment of the business portion of the meeting and disconnection of teleconference line at 10:32a.m.

Hearings

1. Case Number 22-0419-DIS, State of Oklahoma v. CVS Caremark, L.L.C.

- a. Request for Approval of Consent Agreement, or in the alternative Motion to Amend Scheduling Order;
- b. Pretrial Conference;
- c. Dilan Lyda and Kelli Price representing State of Oklahoma; and Angela Ables representing CVS Caremark, L.L.C.

ACTION:

Motion: Commissioner Perry motion for Approval of Consent Agreement.

Second: Commissioner Ferate second.

Those Voting Aye: Chairman Lewandowski, Vice-Chairman Maxwell, Commissioner Huenergardt, Commissioner Ferate, Commissioner Thomas-Bendel, Commissioner Perry, Commissioner Corley.

THE MOTION CARRIED: Motion approved unanimously.

2. Case Number 21-0568-DIS, State of Oklahoma v. Express Scripts, Inc.

- a. Request for Approval of Consent Agreement, or in the alternative Motion to Amend Scheduling Order;
- b. Pretrial Conference;
- c. Dilan Lyda and Kelli Price representing State of Oklahoma; and Respondent representing Express Scripts, Inc.

ACTION:

Respondent stated that Express Scripts, Inc., has stopped charging for transaction fees, as of approximately three (3) months ago (October 2022). Vice-Chairman Maxwell motioned to enter executive session. Motion is seconded. Commission members entered into an Executive Session at 11:04 a.m. and ending at 11:22 a.m., carried out in accordance with Title 25 O.S. § 307.

Motion: Commissioner Ferate motioned to approve the Consent Order.

Second: Commissioner Corley second.

Those Voting Aye: Chairman Lewandowski, Commissioner Huenergardt, Commissioner Ferate, Commissioner Thomas-Bendel, Commissioner Perry, Commissioner Corley.

Abstained: Vice-Chairman Maxwell.

THE MOTION CARRIED: Motion approved.



PATIENT'S RIGHT TO PHARMACY CHOICE COMMISSION

Insurance Commissioner, Glen Mulready

400 NE 50th Street
Oklahoma City, OK 73105

405.521.2828
oid.ok.gov

Mark Lewandowski, Chair
Gregory S. Huenergardt, Member
Melanie Maxwell, Member, Co-Chair
Rose Thomas-Bendel, Member

Anthony J. "A.J." Ferate, Member
Gena Perry, Commission Member
Teah Corley, Commission Member

3. Case Number 22-0443-DIS, State of Oklahoma v. Prime Therapeutics, L.L.C.

- a. Unopposed Motion to Amend Scheduling Order;
- b. Secondary Scheduling Conference;
Dilan Lyda and Kelli Price representing State of Oklahoma; Ryan Leonard and Heidi Long representing Prime Therapeutics, L.L.C.
- c. Dilan Lyda has asserted that evidence of additional violations has been identified by the Department necessitating filing amended pleadings and scheduling conflicts of the proposed hearing necessitate an Amended Scheduling Order with the hearing schedule to take place at the August 2023 meeting.

ACTION:

Motion: Chairman Lewandowski motioned proposal of Amended Scheduling Order

Second: Commissioner Corley second.

Those Voting Aye: Chairman Lewandowski, Commissioner Huenergardt, Commissioner Ferate, Commissioner Thomas-Bendel, Commissioner Perry, Commissioner Corley.

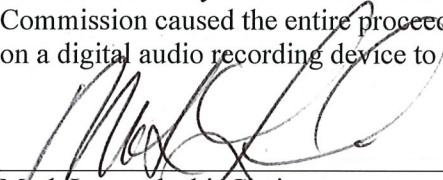
Those Voting Nay: Vice-Chairman Maxwell.

THE MOTION CARRIED: Motion approved.

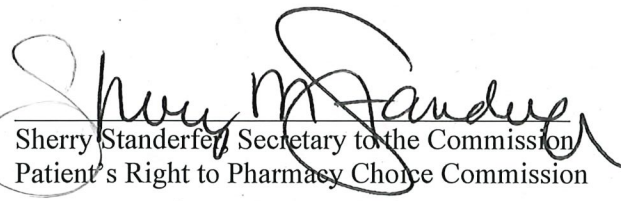
Adjournment at 11:32a.m.

Official Minutes.

The action taken by the Patient's Right to Pharmacy Choice Commission on the items for consideration after Motion duly made and seconded has been noted, herein, and made a part of these minutes. The Commission caused the entire proceeding of the meeting, excepting any executive sessions, to be recorded on a digital audio recording device to be retained as a record in the office of the Commission.



Mark Lewandowski, Chairman
Patient's Right to Pharmacy Choice Commission



Sherry Standerfer, Secretary to the Commission
Patient's Right to Pharmacy Choice Commission