



The Patient’s Right to Pharmacy Choice Act Advisory Committee Meeting Minutes for October 22, 2020

The Patient’s Right to Pharmacy Choice Advisory Committee, established pursuant to the provisions of the Act, held a regular session meeting on October 22, 2020 at 10:00 a.m. The meeting was held in the Public Meeting Room of the offices of the Oklahoma Insurance Department at 400 NE 50th St. Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25 O.S. § 301 *et seq.*, the agenda for this meeting was posted at the main entrance of the Oklahoma Insurance Department at 400 NE 50th St. Oklahoma City, Oklahoma on October 20, 2020, at 10:00 a.m. and transmitted to the offices of the Advisory Committee members on October 20, 2020.

I CALL TO ORDER. Ronald White D.Ph. called the meeting to order at 10:00 a.m. The roll of Advisory Committee members was called to establish a quorum.

II COMMITTEE ROLL CALL.

Advisory Committee members present were:

- Bill Moore
- Melanie Maxwell
- Toby Baldwin
- Jim Consedine
- Mark Lewandowski

Advisory Committee members excused:

- Rose Thomas-Bendel
- Mary Ann Roberts

Based on the result of the roll call, a quorum was declared present.

Others in attendance were:

- Commissioner Glen Mulready
- Ronald White
- Sara Worten
- Ashley Scott
- Rick Wagnon
- Mike Rhoads



III INTRODUCTION OF NEW COMMITTEE MEMBERS and SUPPORT PERSONNEL

There were no new committee members or support personnel reported

IV WELCOME TO COMMITTEE MEMBERS and ANNOUNCEMENTS

Mr. White welcomed the Committee members on behalf of the Oklahoma Insurance Department and thanked them for their attendance at the meeting.

V PBM COMPLAINT CASE REVIEW

Mr. White referred three (3) cases to the Committee referenced as the following:

- Case Z1029-01
- Case Z1029-02
- Case Z1029-03

Each of the cases involved a violation of the statute for failure to timely respond to a request for information that would assist in the investigation of a complaint. After discussion by the Committee the question was put forth as to whether each case rose to the level of violation of the 36 O.S. § 6965(C) and what recommendation the Committee thought appropriate to forward to the Insurance Commissioner.

*36 O.S. § 6965. Power to investigate.
C. Every officer, director, employee, or agent of the PBM, upon receipt of any inquiry from the Commissioner shall, within thirty (30) days from the date the inquiry is sent, furnish the Commissioner with an adequate response to the inquiry.*

Mr. Moore made a motion, seconded by Ms. Maxwell, that a violation had occurred. After discussion a motion was made by Mr. Moore to amend the previous motion, seconded by Ms. Maxwell, to include a fine along with notification to the PBM’s involved and to pass the recommendation along to the Insurance Commissioner.

ROLL CALL VOTE ON AMENDED MOTION:

Mr. Moore	Yes
Ms. Maxell	Yes
Mr. Baldwin	Yes
Mr. Consedine	Yes
Mr. Lewandowski	Yes

Mr. White referred one (1) case to the Committee referenced as the following:

- Case Y1029-04

This case involved the failure of the PBM to respond to a request by the OID with full and complete information. The Complainant and Pharmacist were dealing with a claim that resulted in a higher copay for the claimant than expected. Upon further review, the Pharmacy reversed the claim at the Complainant’s request due to the high cost applied by the PBM/Health Plan. The Complainant’s choice of Pharmacy is considered out-of-network for



specialty medications even though the medication is available for sale at the contracted retail pharmacy. The messaging stated the Complainant’s Pharmacy is out-of-network and they would have a lower member out-of-pocket at the in-network specialty pharmacy which his owned by the PBM.

36 O.S. § 6961. Retail pharmacy network access standards. C. Pharmacy benefits managers shall not require patients to use pharmacies that are directly or indirectly owned by the pharmacy benefits manager, including all regular prescriptions, refills or specialty drugs regardless of day supply.

This resulted in delay of medication therapy for the Complainant.

Mr. Lewandowski made a motion, seconded by Mr. Baldwin, to send a formal reprimand to the PBM along with a request made by the Director for additional information within a thirty-day timeframe.

ROLL CALL VOTE ON MOTION:

Mr. Moore	Yes
Ms. Maxwell	Yes
Mr. Baldwin	Yes
Mr. Consedine	Yes
Mr. Lewandowski	Yes

VI DIRECTOR’S REPORT

Mr. White thanked the Committee for its in-depth discussion on the cases presented. Recommendations by the Committee will be forwarded to Commissioner Mulready for review and further action.

VII NEW BUSINESS

Mr. White provided the Committee with an opinion from the Oklahoma Attorney General’s Office dealing with guidance as to the statutory relationship and division of duties and authority between the Insurance Commissioner and the Patient’s Right to Pharmacy Choice Advisory Committee as set forth in Title 36, Section 6966 of the Oklahoma Statutes.

VIII ADJOURNMENT

There being no further business the Advisory Committee was adjourned.

Minutes of the meeting were prepared by Benna Nye.