



**PATIENT'S RIGHT TO PHARMACY CHOICE COMMISSION
SPECIAL MEETING - MINUTES
October 21, 2021**

The Pharmacy Choice Commission Committee, established pursuant to the provisions of the Act, held a special session meeting on October 21, 2021 at 9:30 a.m. The meeting was held in person from the offices of the Oklahoma Insurance Department at 400 NE 50th St. Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25O.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 and transmitted to the offices of the Pharmacy Choice Commission members.

I. Call to Order

Mark Lewandowski, Chairperson, called the meeting to order at 9:30 a.m. A roll call of Commission members was called to establish a quorum. Bill Moore has decided to resign from the Commission. Melanie Maxwell has an emergency and unable to attend.

II. Commission Roll Call

Commission members present were:

Mark Lewandowski
Rose Thomas-Bendel
Kimberly Baker

Based on the result of the roll call, a quorum was not declared present. Due to no quorum established, the Commission is unable to vote on any items or make any decisions.

III. Review & approval of Pharmacy Choice Commission meeting minutes from 7/15/21 meeting

Due to no quorum established, the Commission is unable to approve minutes.

IV. Status of Oklahoma Attorney General's appointee to the Commission

Ms. Price reached out to Associate Attorney General Tim Downing on October 18, 2021. He informed her that Attorney General O'Connor has not yet made an appointment to the Commission.

V. Review of Quarterly report from OID to PRPC Commission

Ms. Price presented the Quarterly Report from OID to the Commission.

VI. Updates on Referrals to Legal from OID - PBM Compliance and pending legal actions

Ms. Price gave a brief overview of the number of cases that have been referred to legal for enforcement action and their status.



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Insurance Commissioner, Glen Mulready

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Mark Lewandowski, Member
Jim Consedine, Member
Bill Moore, Member

Melanie Maxwell, Member
Rose Thomas-Bendel, Member
Kimberly Baker, Member

VII. Review of Pharmacy Network Access requirements and potential for failure to comply within certain area zip codes, and proposed "best efforts" admin rules / PRPC guidelines to determine compliance with regulations

a. Presentation by Glenn Disher, PBM Compliance Investigator for OID and Ron White, Pharmacist Consultant

Mr. Disher presented a PowerPoint presentation to the Commission regarding the Pharmacy Network Access requirements of the Patient's Right to Pharmacy Choice Act, preliminary conclusions from the reports received thus far from PBMs, potential hurdles, and the potential for the implementation of guidelines within the administrative rules and/or statutes which might be considered when a PBM is not in strict compliance with the statute, but has made "best efforts" or every possible effort to comply. The Commission members, Mr. Disher, Ms. Price, and Ms. Scott (all present) discussed these issues at length and brainstormed possible solutions.

VIII. Status review: PCMA v. Mulready Case in OKWD

Ms. Price informed the Commission that Response briefs to the cross-dispositive motions were due to be filed by September 30, 2021 and Reply briefs were filed by October 8, 2021. The State's response to PCMA's Motion to Strike Ms. Billingsley as an expert witness is due October 21, 2021. No motions have a date for hearing yet. It is still possible that the U.S. District Court may rule in this matter by the end of 2021.

IX. Review of Fines/Penalties recommended by Advisory Committee and Consideration of Minimum Fines/Penalties for each type of potential violation by a PBM

Tabled until next meeting due to lack of quorum.

X. Set hearing/meeting dates for December 2021 and 2022 Monthly meetings/hearings

Tabled until next meeting due to lack of quorum.

XI. Procedure review of an Administrative Hearing

Ms. Price provided the Commission with a written example of a fictional administrative hearing for purposes of gaining an understanding of typical procedure. Due to lack of time, the Commission will review the example individually on their own.

XII. Questions / Comments from Commission members, OID, and audience

None.

XIII. Adjournment

There being no new business, motioned to adjourn. Motion was approved.

Adjournment: 11:05 a.m. Next meeting: November 18, 2021.

Benna Nye
Administrative Assistant