

400 NE 50th Street Oklahoma City, OK 73105

oid.ok.gov

918,295,3700

Mark Lewandowski, Chairperson Jim Consedine, Vice-Chairperson Bill Moore, Member Melanie Maxwell, Member

The Honorable Bryan Dixon, Member

Rose Thomas-Bendel, Member Toby Baldwin, Member

STATE OF OKLAHOMA PATIENT'S RIGHT TO PHARMACY CHOICE ADVISORY COMMITTEE

MINUTES OF THE ADVISORY COMMITTEE

March 18, 2021

The Patient's Right to Pharmacy Choice Advisory Committee, established pursuant to the provisions of the Act, held a regular session meeting on March 18, 2021 at 10:00 a.m. The meeting was held in person, by via virtual platform and by conference call originating from the offices of the Oklahoma Insurance Department at 400 NE 50th St. Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 250.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 Advisory Committee members. The agenda is attached as Exhibit "A".

1. **CALL TO ORDER** Mark Lewandowski, Chairman, 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:

Mark Lewandowski Melanie Maxwell Jim Consedine Rose Thomas-Bendel

Hon. Bryan Dixon

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

Others in attendance were: Ronald White, D.Ph., Mike Rhoads, Rick Wagnon, Kim Bailey, Ashley Scott, Kelli Price and Benna Nye.

Mr. White introduced Kelli Price to the Advisory Committee. Ms. Price has been assigned the lead OID Attorney to support the PBM Regulatory Compliance Department. The Compliance Department is now under the supervision of OID Legal.

III. **REVIEW AND APPROVAL OF THE MINUTES**

Mr. Lewandowski advised Committee members that the minutes of the February 18, 2021 meeting had been sent out with today's meeting notice and agenda and asked if there were any changes or modifications. Hearing no changes, Mr. Consedine moved, seconded by Ms. Maxwell that the minutes be approved. The motion was passed without objection.

IV. GEO Access Update

Mr. Lewandowski opened discussion on this topic by commenting that there had been confusion on the part of PBMs as to the required submission date of GEO Access Reports. February 15, 2021 was originally communicated as the required date of submission however many of the required respondents indicated that the end of the first quarter, March 31, was interpreted as the due date. Mr. White acknowledged the confusion and informed the Committee that a letter clarifying the issue were in process of being mailed out indicating that the revised date for submission of the report would be by the thirtieth day after receipt of the new letter. These letters were mailed on March 17-18 to the PBMs.

Acknowledging the confusion Mr. Lewandowski made a motion, seconded by Ms. Thomas-Bendel that staff continue to gather data and report back to the Committee at the next meeting. There was no opposition to the motion.

A series of questions were asked by Committee members:

- Mr. Dixon asked for a list of the PBMs and how they are licensed by the OID.
- Ms. Maxwell asked how confident the OID is that all PBMs operating in Oklahoma are licensed and considered to be in good standing.
- Mr. Consedine asked for a report on the distribution of PBMs as to their size (large, medium, small). (Transaction volumes are unknown however there is a known distribution of complaints that would serve as a proxy for PBM size).

This information will be reported back to the Committee by Kelli Price.

V. <u>PBM Complaint Case Review</u>

There were no cases involving potential violations reviewed at this meeting.

VI. <u>Director's Report</u>

Ron White delivered a report reviewing the status of PBM complaints. A PBM Complaint Flowchart was reviewed with the Committee.

Kelli Price reported on how complaints will be bundled into common categories that will be submitted to the PBMs.

Ashley Scott reported on the status of SB737 and reviewed the major components of the proposed legislation.

Mr. Lewandowski inquired about actions that the Advisory Committee can recommend to staff that would assist in their efforts to review and bring recommendations to the Committee. The

Chair specifically asked for recommendations on 1) what the appropriate action would be to address PBMs that are not cooperating, 2) at what point should the Committee take progressive disciplinary action – reprimand, suspension, revocation of license.

VII. Adjournment

Mr. Lewandowski motioned to adjourn, seconded by Mr. Consedine. Motion was approved. Adjournment: 10:55 AM.