



400 NE 50th Street
Oklahoma City, OK 73105

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Mark Lewandowski, 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-
MINUTES AUGUST 18, 2022**

The Pharmacy Choice Commission Committee, established pursuant to the provisions of the Act, held a special session meeting on May 15, 2022 at 10:00 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, 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 and transmitted to the offices of the Pharmacy Choice Commission members.

The August 18, 2022 Meeting was called to order by Mark Lewandowski, Chairman of the Pharmacy Choice Commission. Other Commission members present were as follows:

Gregory Huenergardt
Melanie Maxwell
Rose Thomas-Bendel
Anthony Ferate
Kimberly M. Baker

In Attendance:

Kelli Price, Oklahoma Insurance Department, PBM Compliance and Enforcement Division
Sherry Standerfer, Oklahoma Insurance Department, Legal Division
Ashley Scott, Oklahoma Insurance Department, Executive Division
Dilan Lyda, Oklahoma Insurance Department, PBM Compliance and Enforcement Division
Sarah Smith-Drozdo, Oklahoma Insurance Department, PBM Compliance and Enforcement Division
Glenn Disher, Oklahoma Insurance Department, PBM Compliance and Enforcement Division
Tracey Keeley, Oklahoma Insurance Department, PBM Compliance and Enforcement Division
Nichole Nash, Oklahoma Insurance Department, Legal Division

- I. Call to Order & Commission Roll Call was made at 10:00 o'clock am. Quorum of Commission members established.
- II. Pharmacy Choice Commission meeting minutes from May 12, 2022 meeting were approved.
- III. Kelli Price gave a review of the Quarterly Report to Pharmacy Choice Commission.
 - a. Commission member Greg Huenergardt acknowledged that a discrepancy in the 2021 3rd quarter complaint statistics. Kelli Price stated that the section will be corrected and submitted to the Commission.
 - b. Discussion on the trend of complaints and how resolutions are made.
- IV. Kelli Price gave a status review: PCMA v. Mulready before the 10th Circuit Court of Appeals
 - a. PCMA submitted an appeal to the 10th Circuit Court of Appeals.



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Insurance Commissioner, Glen Mulready

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- V. Kelli Price presented a review and discussion 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/>)
 - a. Anthony Ferate initiated discussion on ease of the reporting template and collection.
 - b. Melanie Maxwell stated that the report should allow for the PBM division to see spread pricing as it occurs.
 - c. Mark Lewandowski started a discussion over limitation and definitions on information sharing, how many entities are in the que before PBM receives any funds/rebates, and cost of reporting.
 - d. Kelli Price specified that per violation per occurrence the minimum fine is \$100.
- VI. Glenn Disher led a 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. Melanie Maxwell posed questions over PBMs use of full/ partial leased networks, how verification processes are conducted, division of retail and non- retail pharmacy reporting.
 - b. Gregory Huenergardt inquired how PBMs list zip codes where they are noncompliant due to no pharmacy availability and if that makes them noncompliant.
- VII. Kelli Price gave a review of NCPA's ERISA and Medicare Part D Preemption Analysis.
- VIII. No questions or comments from Commission members, OID, and audience members.
- IX. Adjournment of Business Meeting at 11:02 am.

Sarah Smith-Drozdv