



AMENDED
2022 - 2nd QUARTERLY REPORT TO PHARMACY CHOICE COMMISSION
July 2022
Oklahoma Insurance Department - PBM COMPLIANCE & ENFORCEMENT DIVISION
COMPLAINTS & RESOLUTIONS

Allegations of Violation			Closed: No Violation	Closed: Settlement Agreement between OID & PBM										Closed: Agreement/Resolution between Complainant & PBM					Licensing		Administrative Action & Enforcement					Pending Resolution		
Date Complaints Received	# Alleged violations	Violations Identified by OID	Lack of Evidence or Complainant Cooperation	Complaint Allegations Resolved	Violations Identified by OID Resolved	TOTAL # of NEGOTIATED Refunds & Increased Reimbursements to Pharmacies*	TOTAL NEGOTIATED \$ Amount TO BE Refunded / Reimbursed*	*Portion of NEGOTIATED Refunds / Reimbursements subject to Court decision	*Portion of \$ Amount NEGOTIATED Subject to Court Decision	Portion of NEGOTIATED Refunds / Reimbursements AUTHORIZED to be DISBURSED per Court decision	Portion of NEGOTIATED \$ Amount AUTHORIZED to be Refunded / Reimbursed per Court decision	TOTAL # of Refunds & Increased Reimbursements to Pharmacies to be DISBURSED (AFTER COURT DECISION)	TOTAL \$ Amount to be DISBURSED to Pharmacies (AFTER COURT DECISION)	# of Refunds to be issued from PBM to pharmacies	\$ Amount of Refunds	PBM Increased Reimbursement to Pharmacies	\$ Amount of Additional Reimbursements to Pharmacies	Closed: Allegation Withdrawn / Agreed Resolution Other	Application for New license submitted by PBM	New License Issued	Resolved by Hearing	Resolved by Consent Agreement	# of Fines / Penalties Imposed*	*Portion of Fines / Penalties subject to Court Decision	TOTAL \$ Amount of NEGOTIATED / ORDERED Fines/Penalties to be IMPOSED*	*Portion of \$ Amount of NEGOTIATED Fines / Penalties Subject to Court Decision	Complaint Allegations	OID Identified Violations
4th Qtr 2020 & 1st	25,959	149,534	10,611	5,173	149,534	154,707	\$ 1,385,009.04	(27,569)	\$ (1,157,549.00)	19,396	\$ 192,128.87	146,534	\$ 419,588.91	4,660	\$ 5,984.02	32	\$ 1,318.68	2461	-	-	-	-	32,941	\$ 2,756,529.36	(2,500,000.00)	3,022	-	
2nd Qtr 2021	14	9,623	15	-	9,613	9,613	\$ 480,661.65	(9,613)	\$ (480,661.65)	8,055	\$ 79,793.81	8,055	\$ 79,793.81	-	\$ -	-	\$ -	2	6	4	-	4	27	\$ 2,700.00	(2,500,000.00)	-	3	
3rd Qtr 2021	91,331	1,768	21,265	18,339	1,768	20,107	\$ 576,826.73	(11,854)	\$ (511,775.86)	8,210	\$ 81,330.08	16,463	\$ 146,380.95	7,322	\$ 36,170.36	1,019	\$ 181,380.71	8164	-	-	-	-	-	\$ -	-	35,222	-	
4th Qtr 2021	36,085	-	6,426	7,326	-	7,326	\$ 183,652.18	(5,238)	\$ (167,036.49)	2,108	\$ 20,876.76	4,196	\$ 37,492.45	-	\$ -	-	\$ -	15	-	-	-	-	-	\$ -	-	22,318	-	
1st Qtr 2022	23,587	81	2,533	-	-	-	\$ -	-	-	-	\$ -	-	\$ -	-	\$ -	-	\$ -	61	-	-	-	-	-	\$ -	-	20,993	81	
2nd Qtr 2022	13,827	-	2,296	-	-	-	\$ -	-	-	-	\$ -	-	\$ -	-	\$ -	911	\$ 41,100.03	-	-	-	-	-	-	\$ -	-	10,620	-	
TOTALS:	190,803	161,006	43,146	30,838	160,915	191,753	\$ 2,626,149.60	(94,274)	\$ (2,317,023.00)	37,769	\$ 374,129.52	175,248	\$ 683,256.12	11,982	\$ 42,154.38	1,962	\$ 223,799.42	10703	6	4	-	4	32,968	\$ 2,759,229.36	\$ (2,500,000.00)	92,175	84	

SUMMARY						
	# of Refunds & Increased Reimbursements to be disbursed to Pharmacies	\$ Amounts of Refunds & Increased Reimbursements to be Disbursed to Pharmacies	# of Fines/Penalties Imposed*	\$ Amount of Fines/Penalties Imposed*	# Resolved Alleged Violations from Complaints Received	# Resolved Alleged Violations Identified by OID
TOTALS:	189,192	\$ 949,209.92	32,968	\$ 2,759,229.36	98,628	160,922

* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS

CVS Caremark Settlement Agreement (Entered January 2022) Transaction Fee Refunds - Amount & Allocation Summary	OID Facilitated Refunds & Reimbursements to Oklahoma Pharmacies - Through FY 2022
Amount paid by CVS Caremark to be held temporarily in escrow - Allocation & Distribution subject to ruling by US District Court	Caremark ERISA plan related TF's to be DISTRIBUTED to Oklahoma pharmacies
\$ 2,317,023.00	\$ 374,129.52
USDC ruling: Med D preempts OK's prohibition of Transaction Fees. \$ Amount to be refunded to Caremark b/c related to Med D claims	Other Refunds / Reimbursements to pharmacies per 4 other Settlement Agreements & other resolutions facilitated by OID
\$ (1,942,893.48)	\$ 575,080.40
USDC ruling: ERISA does NOT preempt OK's prohibition of Transaction Fees. \$ Amount to be refunded to Oklahoma pharmacies b/c related to ERISA plan claims	Total Refunds/Reimbursements to pharmacies per Settlement Agreements & other resolutions facilitated by OID
\$ 374,129.52	\$ 949,209.92

Complaints Received September 1, 2020 through March 31, 2021

Complaint Type	Total # of Complaints that include this violation type (by SBS/OID #)	Total Alleged Violations within Complaints	Violations Identified by OID	Resolved by Hearing	Resolved by Consent Agreement	Application for New license submitted by PBM	New License Issued	Violations Identified by OID & Resolved by Settlement	Resolved by Settlement between OID & PBM*	\$ Amount Resolved / Refunded per Settlement*	Closed: No Violation; Lack of Evidence; or Lack of Complainant Cooperation	Closed: Allegation Withdrawn	Closed: Refund to be issued / Agreed Resolution between PBM & Complainant	\$ Amount of Agreed Resolution Refunds	Closed: PBM Increased Reimbursement to Pharmacy / Agreed Resolution	\$ Amount of Resolved by Agreement Additional Reimbursements to Pharmacies	# of Fines / Penalties Imposed	\$ Amount of Fines/Penalties Imposed	Pending Resolution	OID Identified Violations Pending Resolution
								* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS												
Transaction Fees	11	18,754	149,534					149,534	5,055	\$ 1,382,081.20	5,317	1,742	4,660	\$ 5,984.02			32,900	\$ 2,692,500.00	1,980	
MAC Pricing	69	6,741							118	\$ 2,927.84	4,833	716			32	\$ 1,318.68	41	\$ 64,029.36	1,042	
Pharmacy Network Access (aka "Geo Access")	9	9									8	1								
Choice Restriction - Referred to PBM Owned Mail Order	289	289									288	1								
Choice Restriction - Referred to PBM Owned Specialty	37	37									37									
Copy & Diff Mail vs Retail	50	50									49	1								
Not Able to Contract with PBM	52	52									52									
Mail Opt-Out Denied	2	2									2									
Enrollment/Participation Charge	3	3									3									
P&T Formulary	2	2									2									
Partial Referral List	1	1									1									
Restrictions Against Consumer Facing Materials	3	4									4									
Restriction During Emergency	5	5									5									
PBM-Retro Claim Adjustment	6	6									6									
Retail Paid Less Than PBM Owned	4	4									4									
Operating Without a License																				
COMPLAINT TOTALS	543	25,959	149,534					149,534	5,173	\$ 1,385,009.04	10,611	2,461	4,660	\$ 5,984.02	32	\$ 1,318.68	32,941	\$ 2,756,529.36	3,022	

COMPLAINTS RECEIVED 2ND QUARTER - 2021 (April 1, 2021 - June 30, 2021)

Complaint Type	Total # of Complaints that include this violation type (by SBS/OID #)	Total Alleged Violations within Complaints	Violations Identified by OID	Resolved by Hearing	Resolved by Consent Agreement	Application for New license submitted by PBM	New License Issued	Violations Identified by OID & Resolved by Settlement	Complaint Allegations Resolved by Settlement between OID & PBM	\$ Amount Resolved / Refunded per Settlement	Closed: No Violation; Lack of Evidence; or Lack of Complainant Cooperation	Closed: Allegation Withdrawn	Closed: Refund to be issued / Agreed Resolution between PBM & Complainant	\$ Amount of Agreed Resolution Refunds	\$ Amount of Resolved by Agreement Additional Reimbursements to Pharmacies	# of Fines / Penalties Imposed	\$ Amount of Fines/Penalties Imposed	Pending Resolution	OID Identified Violations Pending Resolution			
* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS																						
Transaction Fees			9,613					9,613		\$ 480,661.65												
MAC Pricing																						
Choice Restriction - Referred to PBM Owned	10	10									10							0	0			
Copay & Diff Mail vs Retail																						
Not Able to Contract with PBM	2	2									2							0	0			
Mail Opt-Out Denied																						
Network Enrollment/Participation Charge																						
P&T Formulary																						
Partial Referral List																						
Restrictions Against Consumer Facing Materials																						
Restriction During Emergency																						
PBM-Retro Claim Adjustment	2	2									1	1						0	0			
Retail Paid Less Than PBM Owned																						
Pharmacy Network Access (aka "Geo Access")																						
Operating Without a License			10		4	6	4				2	1				27	2,700		3			
COMPLAINT TOTALS	14	14	9,623		4	6	4	9,613		\$ 480,661.65	15	2				27	2,700	0	3			

COMPLAINTS RECEIVED 3rd QUARTER - 2021 (July 1, 2021 - September 30, 2021)

Complaint Type	Total # of Complaints that include this violation type (by SBS/OID #)	Total Alleged Violations within Complaints	Violations Identified by OID	Resolved by Hearing	Resolved by Consent Agreement	Application for New license submitted by PBM	New License Issued	Violations Identified by OID & Resolved by Settlement	Resolved by Settlement between OID & PBM	\$ Amount Resolved / Refunded per Settlement	Closed: No Violation; Lack of Evidence; or Lack of Complainant Cooperation	Closed: Allegation Withdrawn	Closed: Refund to be issued / Agreed Resolution between PBM & Complainant	\$ Amount of Agreed Resolution Refunds	Closed: PBM Increased Reimbursement to Pharmacy / Agreed Resolution	\$ Amount of Resolved by Agreement Additional Reimbursements to Pharmacies	# of Fines / Penalties Imposed	\$ Amount of Fines/Penalties Imposed	Pending Resolution	OID Identified Violations Pending Resolution	
								* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS													
Transaction Fees	54	60,060	1,768					1,768	18,339	\$ 576,826.73	18,414	7,730	6,068	\$ 4,820.36						9,509	
MAC Pricing	113	29,996									2,831	433			\$ 1,019.00	\$ 181,380.71				25,713	
Choice Restriction - Referred to PBM Owned	18	18									17	1									
Copay Incentive	2	2									2									0	
Not Able to Contract with PBM																					
Mail Opt-Out Denied																					
Network Enrollment/Participation Charge																					
P&T Formulary																					
Partial Referral List																					
Restrictions Against Consumer Facing Materials																					
Restriction During Emergency																					
PBM-Retro Claim Adjustment																					
Retail Paid Less Than PBM Owned																					
Pharmacy Network Access (aka "Geo Access")																					
Operating Without a License																					
Other: PBM withdrew \$ from Rx bank account	2	1,255									1		1,254	\$ 31,350.00							
COMPLAINT TOTALS	189	91,331	1,768					1,768	18,339	\$ 576,826.73	21,265	8,164	7,322	\$ 36,170.36	\$ 1,019.00	\$ 181,380.71				35,222	

COMPLAINTS RECEIVED 4th QUARTER - 2021 (October 1, 2021 - December 31, 2021)

Complaint Type	Total # of Complaints that include this violation type (by SBS/OID #)	Total Alleged Violations within Complaints	Violations Identified by OID	Resolved by Hearing	Resolved by Consent Agreement	Application for New license submitted by PBM	New License Issued	Violations Identified by OID & Resolved by Settlement	Complaint Allegations Resolved by Settlement between OID & PBM	\$ Amount Resolved / Refunded per Settlement	Closed: No Violation; Lack of Evidence; or Lack of Complainant Cooperation	Closed: Allegation Withdrawn / Agreed Resolution Other	Closed: Refund to be issued / Agreed Resolution between PBM & Complainant	\$ Amount of Agreed Resolution Refunds	Closed: PBM Increased Reimbursement to Pharmacy / Agreed Resolution	\$ Amount of Resolved by Agreement Additional Reimbursements to Pharmacies	# of Fines / Penalties Imposed	\$ Amount of Fines/Penalties Imposed	Complaint Allegations Pending Resolution	OID Identified Violations Pending Resolution
								* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS												
Transaction Fees	12	18,531						7,326	\$ 183,652.18	4,660									6,545	
MAC Pricing	22	17,547								1,760	15									15,772
Pharmacy Network Access (aka "Geo Access")																				
Choice Restriction - Referred to PBM Owned	3	3								2										1
Copay Incentive																				
Not Able to Contract with PBM Mail Opt-Out Denied																				
Network Enrollment/Participation Charge	1	1								1										-
P&T Formulary																				
Partial Referral List																				
Restrictions Against Consumer Facing Materials																				
Restriction During Emergency																				
PBM-Retro Claim Adjustment																				
Retail Paid Less Than PBM Owned																				
Pharmacy Network Access (aka "Geo Access")																				
Operating Without a License																				
Other/Undetermined	3	3								3										-
COMPLAINT TOTALS	41	36,085						7,326	\$ 183,652.18	6,426	15								22,318	

COMPLAINTS RECEIVED 1st QUARTER - 2022 (January 1, 2022 - March 31, 2022)

Alleged Violation Type	Total # of Complaints that include this violation type (by SBS/OID #)	Total Alleged Violations within Complaints	Violations Identified by OID	Resolved by Hearing	Resolved by Consent Agreement	Application for New license submitted by PBM	New License Issued	Violations Identified by OID & Resolved by Settlement	Complaint Allegations Resolved by Settlement between OID & PBM	\$ Amount Resolved / Refunded per Settlement	Closed: No Violation; Lack of Evidence; or Lack of Complainant Cooperation	Closed: Allegation Withdrawn / Agreed Resolution Other	Closed: Refund to be issued / Agreed Resolution between PBM & Complainant	\$ Amount of Agreed Resolution Refunds	Closed: PBM Increased Reimbursement to Pharmacy / Agreed Resolution	\$ Amount of Resolved by Agreement Additional Reimbursements to Pharmacies	# of Fines / Penalties Imposed	\$ Amount of Fines/Penalties Imposed	Complaint Allegations Pending Resolution	OID Identified Violations Pending Resolution
								* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS												
Transaction Fees	13	10,872									1,577								9295	
MAC Pricing	22	12,699									953	60							11686	
Choice Restriction - Referred to PBM Owned	12	12									2								10	
Copay Incentive	3	3										1							2	
Not Able to Contract with PBM																				
Mail Opt-Out Denied																				
Network Enrollment/Participation Charge	1	1									1								0	
P&T Formulary																				
Partial Referral List																				
Restrictions Against Consumer Facing Materials																				
Restriction During Emergency																				
PBM-Retro Claim Adjustment																				
Retail Paid Less Than PBM Owned Pharmacy Network Access (aka "Geo Access")			81																	81
Operating Without a License																				
COMPLAINT TOTALS	51	23,587	81								2,533	61							20993	81

COMPLAINTS RECEIVED 2nd QUARTER - 2022 (April 1, 2022 - June 30, 2022)

Complaint Type	Total # of Complaints that include this violation type (by SBS/OID #)	Total Alleged Violations within Complaints	Violations Identified by OID	Resolved by Hearing	Resolved by Consent Agreement	Application for New license submitted by PBM	New License Issued	Complaint Allegations Resolved by Settlement between OID & PBM	Violations Identified by OID & Resolved by Settlement	\$ Amount Resolved / Refunded per Settlement	Closed: No Violation; Lack of Evidence; or Lack of Complainant Cooperation	Closed: Allegation Withdrawn / Agreed Resolution Other	Closed: Refund to be issued / Agreed Resolution between PBM & Complainant	\$ Amount of Agreed Resolution Refunds	Closed: PBM Increased Reimbursement to Pharmacy / Agreed Resolution	\$ Amount of Resolved by Agreement Additional Reimbursements to Pharmacies	# of Fines / Penalties Imposed	\$ Amount of Fines/Penalties Imposed	Complaint Allegations Pending Resolution	OID Identified Violations Pending Resolution
								* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS												
Transaction Fees	7	8,705									1,748									6,957
MAC Pricing	27	4,350									540				911	\$ 41,100.03				2,899
Choice Restriction - Referred to PBM Owned	82	82									8									74
Copay Incentive	3	3																		3
Not Able to Contract with PBM																				
Mail Opt-Out Denied																				
Network Enrollment/Participation Charge																				
P&T Formulary																				
Partial Referral List																				
Restrictions Against Consumer Facing Materials																				
Restriction During Emergency																				
PBM-Retro Claim Adjustment																				
Retail Paid Less Than PBM Owned																				
Pharmacy Network Access (aka "Geo Access")																				
Operating Without a License																				
Other Alleged Violations	4	687																		687
COMPLAINT TOTALS	123	13,827									2,296	-			911	\$ 41,100.03			10,620	0