



**2022 - 3rd QUARTERLY REPORT TO PHARMACY CHOICE COMMISSION**  
 October 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PBM Increased Reimbursement to Pharmacies	\$ Amount of Additional Reimbursements to Pharmacies	Closed: Allegation Withdrawn / Agreed Resolution Other	Application for New License submitted by PBM	New License Issued	Resolved by Hearing	Resolved by Consent Agreement	# of Fines /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	(25,200)	\$ 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	7	5	-	4	27	\$ 2,700.00	-	-	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	-	
3rd Qtr 2022	6,689	-	6	-	-	-	\$ -	-	-	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-	-	-	-	-	-	\$ -	\$ -	6,683	-	
<b>TOTALS:</b>	<b>197,492</b>	<b>161,006</b>	<b>43,146</b>	<b>30,838</b>	<b>160,915</b>	<b>191,753</b>	<b>\$ 2,626,149.60</b>	<b>(54,274)</b>	<b>\$ (2,317,023.00)</b>	<b>37,769</b>	<b>\$ 374,129.52</b>	<b>175,248</b>	<b>\$ 683,256.12</b>	<b>11,982</b>	<b>\$ 42,154.38</b>	<b>1,962</b>	<b>\$ 223,799.42</b>	<b>10703</b>	<b>7</b>	<b>5</b>	<b>-</b>	<b>4</b>	<b>32,968</b>	<b>(25,200)</b>	<b>\$ 2,759,229.36</b>	<b>\$ (2,500,000.00)</b>	<b>98,858</b>	<b>84</b>

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	
<b>TOTALS:</b>	<b>189,192</b>	<b>\$ 949,209.92</b>	<b>32,968</b>	<b>\$ 2,759,229.36</b>	<b>98,634</b>	<b>160,922</b>

\* 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 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		
Choice Restriction - Referred to PBM Owned Mail Order	289	289									288	1									
Choice Restriction - Referred to PBM Owned Specialty	37	37									37										
Copay & Diff Mail vs Retail	50	50									49	1									
Not Able to Contract with PBM	52	52									52										
Mail Opt-Out Denied	2	2									2										
Network 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										
Pharmacy Network Access (aka "Geo Access")	9	9									8	1									
Operating Without a License																					
<b>COMPLAINT TOTALS</b>	<b>534</b>	<b>25,950</b>	<b>149,534</b>					<b>149,534</b>	<b>5,173</b>	<b>\$ 1,385,009.04</b>	<b>10,603</b>	<b>2,460</b>	<b>4,660</b>	<b>\$ 5,984.02</b>	<b>32</b>	<b>\$ 1,318.68</b>	<b>32,941</b>	<b>\$ 2,756,529.36</b>	<b>3,022</b>		

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	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	7	5				2	1				27	2,700		3
<b>COMPLAINT TOTALS</b>	<b>14</b>	<b>14</b>	<b>9,613</b>		<b>4</b>	<b>7</b>	<b>5</b>	<b>9,613</b>		<b>\$ 480,661.65</b>	<b>15</b>	<b>2</b>				<b>27</b>	<b>2,700</b>	<b>0</b>	<b>3</b>

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							
<b>COMPLAINT TOTALS</b>	<b>189</b>	<b>91,331</b>	<b>1,768</b>					<b>1,768</b>	<b>18,339</b>	<b>\$ 576,826.73</b>	<b>21,265</b>	<b>8,164</b>	<b>7,322</b>	<b>\$ 36,170.36</b>	<b>\$ 1,019.00</b>	<b>\$ 181,380.71</b>			<b>35,222</b>		

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	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
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									-
<b>COMPLAINT TOTALS</b>	<b>41</b>	<b>36,085</b>						<b>7,326</b>	<b>\$ 183,652.18</b>	<b>6,426</b>	<b>15</b>								<b>22,318</b>	<b>-</b>

COMPLAINTS RECEIVED 1st QUARTER - 2022 (January 1, 2022 - March 31, 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	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	13	10,872									1,577								9,295	
MAC Pricing	22	12,699									953	60							11,686	
Choice Restriction - Referred to PBM Owned	12	12									2								10	
Network Enrollment/Participation Charge	1	1									1								-	
Copay Incentive	3	3										1							2	
Not Able to Contract with PBM																				
P&T Formulary																				
Partial Referral List																				
Restrictions Against Consumer Facing Materials																				
PBM-Retro Claim Adjustment																				
Retail Paid Less Than PBM Owned																				
Pharmacy Network Access (aka "Geo Access")			81																	81
Operating Without a License																				
<b>COMPLAINT TOTALS</b>	<b>51</b>	<b>23,587</b>	<b>81</b>								<b>2,533</b>	<b>61</b>							<b>20,993</b>	<b>81</b>

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	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 / 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	
<b>COMPLAINT TOTALS</b>	<b>123</b>	<b>13,827</b>									<b>2,296</b>	<b>-</b>			<b>911</b>	<b>\$ 41,100.03</b>			<b>10,620</b>	<b>0</b>

COMPLAINTS RECEIVED 3rd QUARTER - 2022 (July 1, 2022 - Sept 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	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 / 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	Pending Resolution	OID Identified Violations Pending Resolution	
								* ALLOCATION & DISTRIBUTION OF SOME PORTIONS OF COLLECTED FUNDS ARE SUBJECT TO COURT RULINGS													
Transaction Fees	1	2,227																		2,227	
MAC Pricing	7	2,244									1									2,243	
Choice Restriction - Referred to PBM Owned	65	2,199									4									2,195	
Copay Incentive	8	8									1									7	
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	4	4																		4	
Network or Geo Access Complaints (Initiated Outside OID)	1	1																		1	
Operating Without a License																					
Other Alleged Violations	2	6																		6	
<b>COMPLAINT TOTALS</b>	<b>88</b>	<b>6,689</b>									<b>6</b>									<b>6,683</b>	