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Pharmacy Benefit Manager Regulatory Issues (B) Subgroup

Virtual Meeting

April 17, 2023

The Pharmacy Benefit Manager Regulatory Issues (B) Subgroup of the Regulatory Framework (B) Task Force met April 17, 2023. The following Subgroup members participated: TK Keen, Chair (OR); Ashley Scott and Molly Clinkscales, Vice Chair (OK); Anthony L. Williams (AL); Crystal Phelps (AR); Paul Lombardo and Michael Shanahan (CT); Brad Biren, Robert Koppin, and Brent Jambor (IA); Julie Holmes and Craig VanAalst (KS); Sharon P. Clark, Daniel McIlwain, Beth A. Taylor, and Jonathan Abbott (KY); Joshua Guillory (LA); Chad Arnold and Joe Stoddard (MI); Julia Dreier (MN); Amy Hoyt, Cynthia Amann, and Camille Anderson-Weddle (MO); Ted Hamby (NC); Cheryl Wolff (NE); Renee Blechner (NM); Eamon G. Rock (NY); Melissa Greiner (PA); Maggie Rosa (SC); Scott McAnally (TN); Tanji J. Northrup (UT); Don Beatty (VA); Ned Gaines (WA); Jennifer Stegall (WI); Michael Malone (WV); and Jill Reinking (WY).

1. Exposed a PBM White Paper for Public Comment

Keen said since the Subgroup’s release of a working draft of the proposed pharmacy benefit manager (PBM) white paper during its meeting at the 2022 Fall National Meeting, the Subgroup has been working to refine and edit the working draft. He said the Subgroup met April 14 in regulator-to-regulator session to review a revised working draft and discuss issues related to the revised working draft. During this meeting, the Subgroup decided to expose the draft during today’s meeting for a 45-day public comment period ending June 1. Keen said following the end of the public comment period, the Subgroup plans to hold meetings to review the comments received and update the draft based on those discussions. After the Subgroup completes its work, the Subgroup will forward the PBM white paper draft to the Regulatory Framework (B) Task Force for its consideration and adoption. Keen said following the Regulatory Framework (B) Task Force’s adoption, the PBM white paper draft will be forwarded to the Health Insurance and Managed Care (B) Committee for its consideration and adoption.

Anna Howard (American Cancer Society Cancer Action Network—ACS CAN) asked about the type of comments stakeholders should submit and the Subgroup’s process for reviewing the comments, such as a line-by-line review. Keen said the Subgroup is looking for comments on the language currently in the draft and additional language that should be added. He said for comments suggesting additional language, such comments should include the specific language to be added, not just a general comment. He said the Subgroup will determine its review process based on the type of comments received. He said he does not anticipate the Subgroup discussing the comments on a line-by-line basis, which is generally the review process for developing or revising NAIC models, but the Subgroup will determine its review process based on the type of comments received.

Without objection, the Subgroup exposed the PBM white paper draft (Attachment ?-A) for a 45-day public comment period ending June 1.

Having no further business, the Pharmacy Benefit Manager Regulatory Issues (B) Subgroup adjourned.

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