

October 22, 2021

Jolie H. Matthews
Senior Health and Life Policy Counsel
National Association of Insurance Commissioners (NAIC)
Executive Office
444 North Capitol Street, NW
Hall of the States, Suite 700
Washington, DC 20001-1509

Re: Comments on “2022 Proposed Charges - Regulatory Framework (B) Task Force”

Dear Jolie:

As the consumer representative to the National Association of Insurance Commissioners (NAIC) who is leading our work with the Pharmacy Benefit Manager Regulatory Issues (B) Subgroup, please accept the following comments on the “2022 Proposed Charges for the Regulatory Framework (B) Task Force.”

Specifically, we urge the Task Force not to mark its work on the PBM Model Law as “Completed.” While the NAIC Executive Committee did not approve the Model Law that was before it at the summer meeting, the PBM Subgroup is now undertaking the development of a “White Paper” on PBMs. The idea of preparing a White Paper was the idea of the consumer representatives, particularly to understand the impacts of the *Rutledge* Supreme Court decision on state regulation. When the NAIC discussed this proposal, the group also agreed that it would consider updating the PBM model law based on what was revealed in the White Paper. While the draft PBM Model Law was not adopted, we strongly believe the NAIC should still proceed with developing one after completion of the White Paper.

In addition to removing the word “Completed,” we would also suggest that Item 5(B), the development of the White Paper, be moved to Item 5(A). Additionally, Item 5(A), the development of a Model Law, be designated Item 5(B). We also suggest that the charge for the model law be modified to read:

*Consider developing a new NAIC model to establish a licensing or registration process for pharmacy benefit managers (PBMs). **Based on issues identified in the White Paper, the Subgroup may consider including in the new NAIC model provisions on PBM prescription drug pricing and cost transparency.***

Should you have any questions, please contact Carl Schmid, HIV+Hepatitis Policy Institute at cschmid@hivhep.org. Thank you very much.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Schmidt', is positioned above the typed name.

Executive Director
HIV+Hepatitis Policy Institute

cc: Commissioner Michael Conway, Chair, Regulatory Task Force
TK Keen, Chair, PBM Subgroup