

September 17, 2026

Mr. Brett Bache, Chair; Ms. Danielle Torres; Vice Chair and Ms. Petra Wallace
Market Conduct Examination Guidelines (D) Working Group
National Association of Insurance Commissioners
444 North Capital Street, NW, Suite 700
Washington, DC 20001
EMAIL: Brett.Bache@dbr.ri.gov

Re: Coalition Comments on the PBM Exam Standards DRAFT

Dear Mr. Bache, Ms. Torres, and Ms. Wallace:

EXECUTIVE SUMMARY

Thank you for the opportunity to comment on the draft Pharmacy Benefit Manager (PBM) Examination Standards chapter for the Market Regulation Handbook (Handbook).

As background, when PBMs first became subject to market conduct examinations, examiners, consultants, and PBMs were navigating a new regulatory process. Examiners and consultants often approached these examinations using frameworks developed for health insurers, even though PBM operations, business models, and compliance processes are distinct. At the same time, PBMs had limited experience with market conduct oversight and were adapting to new regulatory expectations. These dynamics led to inconsistent examination approaches, confusion regarding expectations for the exam, and inefficiencies for both regulators and regulated entities. To address these challenges, PBMs proactively sought the development of dedicated examination standards and began working with regulators to develop the PBM Examination Standards with the goal of improving transparency, fostering a shared understanding of PBM operations, and creating a more consistent and efficient examination process.

Our Coalition, which includes The Cigna Group, CVS Health, Elevance Health, and UnitedHealth Group, appreciates the significant time, effort, and collaboration that the Market Regulation and Consumer Affairs (D) Committee has devoted to the development of these examination standards. We continue to strongly support the D Committee's objective of creating consistent, transparent, and practical examination standards that promote regulatory clarity, improve examination efficiency, and foster a more uniform approach across jurisdictions.

Since the inception of this initiative, Coalition members have been actively engaged with the PBM (D) Working Group. We recognize the value of establishing well-defined standards and examination expectations. Thoughtful and consistent

standards benefit regulators, regulated entities, and consumers alike by promoting predictability, reducing unnecessary variation among states, and enabling examinations to focus on meaningful compliance objectives.

Throughout the development process, the Coalition has submitted multiple comment letters and participated extensively in discussions with the PBM (D) Working Group (Working Group). We appreciate the Working Group's willingness to consider stakeholder feedback and the revisions that have been made thus far. For ease of reference, this comment submission includes copies of the Coalition's prior comment letters provided during the development of the standards along with redlined versions of our suggested revisions to the PBM exam chapter.

While the Coalition remains supportive of the overall effort to develop PBM exam standards, our comments have consistently focused on several key areas that we believe are critical to ensuring the final standards are effective, operationally feasible, and aligned with existing legal and regulatory frameworks.

- **Clarify examination scope up front:** The final PBM exam chapter should establish pre-examination processes to ensure that PBM examinations are appropriately tied to the applicable statutory and regulatory requirements of the examining jurisdiction and do not create new obligations PBMs beyond those established by law. Establishing these parameters – and facilitating dialogue regarding expectations before information requests begin – will provide a clear foundation for a focused, efficient, and collaborative examination process.
- **Obtain only essential information:** To support effective and efficient exams, the chapter should direct examiners to limit requests to material, in-scope information and establish clear parameters for when unredacted documentation is necessary and how the documentation request should be handled.
- **Right-size document production expectations:** Consistent with other examination chapters, requests should be limited to final, fully executed documents, coupled with related processes and procedures as appropriate to determine compliance with applicable law.
- **Leverage sampling first:** Consistent with the Handbook's longstanding treatment of sampling as a foundational examination methodology, examiners should initially request samples and then expand upon them when warranted based on the findings, applicable risks, and a reasonable assessment of costs and benefits.

Attached is a redline version of the draft chapter to reflect the above. Notably, it includes an updated recommendation to address examination scope and redactions which we believe should provide regulators with the information necessary to determine compliance while addressing our concerns around early identification of the examination scope and treatment of out of scope or otherwise highly sensitive information. The second attachment for your reference is what we have previously provided to the PBM (D) Working Group.

Similar to our commitment to the PBM (D) Working Group, the Coalition remains committed to working constructively with the Market Conduct Examination Guidelines (D) Working Group and state regulators to support the development of examination standards that are clear, consistent, effective, and capable of achieving the shared goal of promoting compliance and protecting consumers. We appreciate the opportunity to provide feedback and look forward to continued engagement as this important work progresses.

Sincerely,

Franca D'Agostino
Director, National Regulatory Affairs
The Cigna Group

Leanne D. Gassaway
VP State Government Affairs
CVS Health

Christine Cappiello
Sr. Director, State Affairs and NAIC
Elevance Health

Mollie Zito
Deputy General Counsel, Reg. Affairs
UnitedHealth Group

Attachments:

1. Coalition Redlines for the MCES(D) WG of the draft Pharmacy Benefit Management Chapter (September 17, 2026)
2. Coalition Comments and Redlines of the Draft "Conduct the Pharmacy Benefit Manager Examination" Chapter, as submitted to the PBM (D) Working Group (October 2, 2025 through April 3, 2026)