



March 6, 2018

Barron B. Brown, Assistant General Counsel  
Oklahoma Insurance Department  
Five Corporate Plaza  
3625 NW 56th St. Suite 100  
Oklahoma City, OK 73112

**Re: OAR Docket #18-24, Proposed Amendments to 365:25-29-9**

Dear Mr. Brown:

On behalf of the Pharmaceutical Care Management Association (PCMA), I am writing you regarding the Department of Insurance's (DOI) proposed changes to the pharmacy benefit maximum allowable cost (MAC) rule, at 365:25-29-9. PCMA is the national association representing pharmacy benefit managers (PBMs), which administer prescription drug plans for more than 266 million Americans with health coverage provided through large and small employers, health insurance plans, labor unions, state and federal employee-benefit plans, and government programs. We are writing to express our concern about the proposed changes to the MAC rule, specifically in the area it could be interpreted to broaden the reach of the underlying MAC statute.

1. Section 365:25-29-9(a) Contractual requirements—maximum allowable cost

The proposed rule deletes the words “[r]egarding maximum allowable cost” from section (a). However, the underlying statute is clear that this law applies only to maximum allowable cost contract terms, and SB 1150, the bill that this regulation is implementing, did not change that underlying tenet. In addition, the DOI is not proposing to change the rule section's heading, which indicates that the section *does* only apply to maximum allowable cost contract terms.

As you may know, only multisource drug products are reimbursed according to MAC reimbursement methodologies, and this is what the statute contemplates. The proposed rule, however, could be interpreted to broaden the scope of the statute by applying MAC-related provisions of the law to other terms of PBM-pharmacy contracts relating to reimbursement. It was not the legislature's intent to interfere with or address any non-MAC reimbursement methodologies, nor is it appropriate to apply other MAC-related requirements to other types of contract terms.

PCMA suggests that this inconsistency be remedied and that the language of the rule remain as it is currently. To that end, PCMA suggests the following amendment:

365:25-29-9. Contractual requirements—maximum allowable cost

- (a) Regarding maximum allowable cost, contracts ~~Contracts~~ between a PBM and a provider shall conform to the following requirements:



Thank you for your consideration of our comments. We are happy to have further discussion as the DOI works on finalizing the rule. Please let us know if you have any questions about our position. Thank you.

Sincerely,

A handwritten signature in black ink that reads "April C. Alexander".

April C. Alexander  
Assistant Vice President, State Affairs