



May 18, 2018

VIA EMAIL – christopher.struk@fleur.com

Mr. Christopher Struk
Deputy Director, Life & Specialty Forms, Life & Health Product Review
Florida Office of Insurance Regulation
200 East Gaines Street
Tallahassee FL 32399

RE: Rulemaking on HB 351 (2018) – Pharmacy Benefit Managers

Dear Mr. Struk:

On behalf of the Pharmaceutical Care Management Association (“PCMA”), I am providing comment on the Office of Insurance Regulation (OIR)’s Pharmacy Benefit Manager rulemaking, following the May 11th stakeholder workshop. PCMA is the national trade association representing America’s pharmacy benefit managers (“PBMs”), which administer prescription drug plans for more than 266 million Americans with health coverage provided through large and small employers, state governments, health insurance plans, labor unions, and public programs.

Thank you for the opportunity to provide comments on the department’s draft rule and registration form, which implements HB 351 (2018). We appreciate the OIR’s efforts in developing a clear and concise rule and a registration form that are consistent with the requirements of the underlying statute. We support the proposed draft and form as written.

Given the scope of the discussion and stakeholder comments at the OIR’s informal workgroup meeting last week, we felt it important to provide a brief response. Some stakeholders indicated at the meeting that the OIR should expand its regulatory reach beyond HB 351’s registration requirements. As you know, the Florida Administrative Procedures Act¹ establishes that in order for an agency to promulgate a rule, specific rulemaking authority must be delegated by the legislature. Though the bill addressed other sections of law and areas of policy, the rulemaking authority in HB 351 is limited to PBM registration.

Thank you for your consideration of our comments. Again, PCMA supports the OIR’s draft rule and form as written and looks forward to working with you as implementation of this statute continues.

¹ Fla. Stat. § 120



Please contact me at 202-756-5743 or aalexander@pcmanet.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "April C. Alexander". The signature is fluid and cursive, with the first name being the most prominent.

April C. Alexander
Assistant Vice President, State Affairs

CC: Michael Lawrence Jr., Florida Office of Insurance Regulation