

IPA Member Update
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Pharmacy Benefit Managers Are Again In The Crosshairs Of Congress And The FTC: Action To Reform Drug Pricing Increasingly Likely



The pressure on pharmacy benefit managers (PBMs) is ramping up. Both Congress and the Federal Trade Commission (FTC) are probing alleged anti-competitive practices by PBMs, and they're doing so in parallel. Given the intense bipartisan pressure on PBMs, it's increasingly likely that action of some kind will be taken

to reform the drug pricing system.

It's a two-pronged attack on PBMs, with Congressional proposals running parallel with an ongoing FTC inquiry. In June 2022, the FTC opened an investigation into six large PBMs: CVS Caremark, Express Scripts, OptumRx, Humana, Prime Therapeutics, and MedImpact Healthcare Systems.

The FTC raised the stakes when the agency included terms like "[commercial bribery](#)" in statements to describe what it perceives as anti-competitive rebates in the insulin market. The FTC has repeatedly warned of legal action against PBMs if its inquiry finds proof of anti-competitive practices.

[Click this link to read the entire article.](#)

Bipartisan Senate Bill Will Ban PBM Spread Pricing, Pay Pharmacies Appropriately, Protect Taxpayers



The National Community Pharmacists Association is cheering the bipartisan *Drug Price Transparency in Medicaid Act* (S. 1038), introduced by Sens. Peter Welch (D-Vt.) and Roger Marshall (R-Kan.).

This bill would improve transparency and protect taxpayers by preventing pharmacy benefit managers from using spread pricing in Medicaid managed care programs.

Companion legislation (H.R. 1613) was [introduced in the House](#) by Reps. Buddy Carter (R-Ga.), Vicente Gonzalez (D-Texas), Rick Allen (R-Ga.), Jake Auchincloss (D-Mass.), Elise Stefanik (R-N.Y.), and Deborah Ross (D-N.C.).

[Click this link to read the entire article.](#)

From Around the Country: Oklahoma Insurance Commissioner announced the filing of an administrative action against CVS/Caremark



Pharmacy Oklahoma Insurance Commissioner Glen Mulready announced the filing of an administrative action against CVS/Caremark that outlines alleged violations of the Patient's Right to Pharmacy Choice Act. The filing targets the practice of "steering patients" to CVS pharmacies and prescription mail-order services and seeks to censure, suspend, place on probation or revoke the Pharmacy Benefit Manager (PBM) license of CVS/Caremark. In addition, the Oklahoma Insurance Department (Department) will seek restitution and/or levy fines for each alleged violation.

[Click this link to read the entire article.](#)

U.S. Senate Finance Committee Hearing Pharmacy Benefit Managers and the Prescription Drug Supply Chain: Impact on Patients and Taxpayers



The U.S. Senate Finance Committee held a meeting to continue their long-standing efforts to lower the cost of health care for taxpayers and patients. The committee focused on pharmacy benefit managers – in particular the new strategies, like charging administrative fees tied to the price of a drug, that these multibillion dollar corporations have aggressively adopted in the last four years since the Finance Committee previously held a hearing about PBMs.

[Watch the committee hearing here](#)

New Jersey Board of Pharmacy Alert: Removal of DATA-Waiver (“X” Waiver) Requirement



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On December 29, 2022, with the signing of the Consolidated Appropriations Act of 2023, Congress eliminated the "DATA-Waiver Program." Pharmacists should be aware of the changes, which are now in effect. Separately, the Act also introduced new training requirements for all prescribers. These requirements will not go into effect until June 27, 2023, and can be found on the "DEA Resource Page".

[For more information go to the NJ Board of Pharmacy Website](#)

Pharmacy News: FDA, Medicaid, COVID, State Updates Click these links to read the news!

- [CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health](#)

Emergency

- [Disaster relief available](#)
- [HHS Releases Initial Guidance for Historic Medicare Drug Price Negotiation Program for Price Applicability Year 2026](#)
- [Bipartisan Senate Bill Will Ban PBM Spread Pricing, Pay Pharmacies Appropriately, Protect Taxpayers](#)
- [Pharmacy benefit managers in the hot seat](#)
- [US FDA approves Pfizer's nasal spray for migraine](#)
- [FDA Moves Forward with Mail-back Envelopes for Opioid Analgesics Dispensed in Outpatient Settings](#)
- [FDA grants accelerated approval to enfortumab vedotin-ejfv with pembrolizumab for locally advanced or metastatic urothelial carcinoma](#)
- [FDA has issued a final guidance to help industry identify suspect & illegitimate product in the U.S. pharmaceutical distribution supply chain](#)
- [FDA Authorizes Bivalent Pfizer-BioNTech COVID-19 Vaccine as Booster Dose for Certain Children 6 Months through 4 Years of Age](#)
- [FDA issued a notice addressing COVID19 guidance including which of those guidance documents will no longer be in effect after the expiration of the COVID-19 public health emergency](#)
- [Ozempic shortages? Some pharmacists are choosing not to stock the drug at all](#)
- [DEA and FDA rules exacerbate Adderall shortage](#)
- [Ojai Medical Arts Pharmacy wins Big Pharma's appeal](#)
- [Cancer drug has been slapped with a clinical hold after a patient in the therapy's first trial died.](#)

Independent Pharmacy Alliance

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