



Regulating PBMs

Dr. Matthew Rohrbach, Deputy Speaker, West Virginia House of Delegates

September 27, 2023



Relating to Pharmacy Audits

- SB 522 (2017)
 - Foot in the door
 - Defined terms
 - Required registration of PBM performing audits
 - Set forth auditing standards and procedures



Pharmacy Audit Integrity Act

- SB489 (2019)
 - Required licensure
 - Protected 340B pharmacies
 - Required data submission to OIC from PEIA



Update the regulation of pharmacy benefit managers

- HB 2263 (2021)
 - Added ERISA plans
 - Established pharmacy reimbursement at least the national avg drug acquisition cost and the dispensing fee of at least \$10.49
 - Required the PBM to offer all rebates at the point of sale
 - Required the PBM to accept any pharmacy that is willing to accept its contract



Provide consumers a choice for pharmacy services

- HB 4112 (2022)
 - Defined specialty drugs
 - Limited the ability of pharmacy benefit managers to restrict consumer access to pharmacies through the designation of specialty drugs
 - Limited the ability of pharmacy benefit managers to exclude a pharmacy or pharmacist from network participation through licensing requirements or changing contractual terms without adequate notice.
 - Additional 340B pharmacy protections