

I am writing to thank you and the Oversight Committee for your attention to PBM reform including your work on HR 6283. In that regard, American Pharmacy Cooperative (“APCI”), consisting of over 1,600 independent pharmacies in 30 states, is in support of the delinking and steering provisions in HR 6283 and believe it will go a long way towards removing the misaligned incentives of large PBMs to drive up drug prices and deprive patients of their choice of pharmacy provider.

With regard to the disgorgement provision, the bill contemplates PBM disgorgement for payment and remuneration received in violation of the law to the group health plan or health insurer. APCI would ask that you consider contemplating disgorgement not being paid back to an affiliated health insurer. As you know, often the PBM is affiliated with the insurer and so any disgorgement to the insurer in such cases would be circular and not a deterrent.

In addition, while APCI is supportive of the delinking and steering provisions, we would like to see amendment language at some point in the process to help protect state laws from being inadvertently preempted in the commercial market.

In addition, we look forward to future conversations regarding additional reforms which could be included as the bill moves forward (or in another piece of legislation) that we believe would increase transparency, lower costs, while paying community pharmacies fairly using index-based pricing (NADAC) plus a fair dispensing fee.

Please feel free to share this email with other members of the Committee if helpful and please do not hesitate to reach out if we can provide additional information. Thank you again for your work on reforming the practices of large PBMS. Thank you.

Greg

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