

U.S. Congressman Mike Johnson  
U.S. House Committee on the Judiciary  
Questions for the Record  
March 13, 2019

**Hearing - Antitrust, Commercial, and Administrative Law Subcommittee Hearing  
“The Effects of Consolidation and Anticompetitive Conduct in Health Care Markets”**

Dr. Gaynor, concerns have been brought to my attention from individuals in my home state and district regarding the potential need for transparency for Pharmacy Benefit Managers (PBM) and the fees assessed through the Medicare Part D program. Based upon the topic of today’s hearing, please answer the following questions pertaining to PBMs, as well as direct and indirect (DIR) remuneration fees:

- 1) Drawing upon your considerable experience in the health care field, what specific policy solutions do you believe to be essential in any proposed legislation aimed at increasing accountability for PBMs and lowering costs at the counter?
- 2) Do you believe that the “clawing back”, or retroactive assessment of DIR fees, have or could have a negative impact on our pharmacies who serve Medicare Part D beneficiaries?
  - a. If so, what would be your recommendation for resolving this?
- 3) In your view, how do you accurately verify pricing to the federal government, beginning with the beneficiary through the rest of the claim accountability process?
  - a. Do you believe increased transparency for “clawbacks” could more accurately track value and ensure the best financial result for beneficiaries and taxpayers?