

State of Louisiana

Pharmacy Benefit Manager (PBM) Monitoring Advisory Council

Commissioner, La. Dept. of Insurance
President, La. State Board of Medical Examiners
President, La. Board of Pharmacy
Attorney General
Director, Public Protection Division, La. Dept. of Justice
Secretary, La. Dept. of Health
President, La. Academy of Physician Assistants {vacancy}
President, La. State Medical Society
President, La. Association of Nurse Practitioners
President, La. Pharmacists Association
President, La. Independent Pharmacies Association
President, National Association of Chain Drug Stores
President, Pharmaceutical Research & Manufacturers of America {vacancy}
President, La. Academy of Medical Psychologists
President, La. Association of Health Plans
President, Pharmacy Benefit Manager *licensed by the Board of Pharmacy and selected by the Pharmaceutical Care Management Association* {vacancy}
President, La. Association of Business & Industry {vacancy}
Chief Executive Officer, La. Business Group on Health
President, La. AFL-CIO {vacancy}
President, La. Association of Health Underwriters

The advisory council shall provide monitoring of pharmacy benefit managers in Louisiana to advise the legislature, commissioner of insurance, and Board of Pharmacy on the most effective and efficient manner of regulation of pharmacy benefit managers to ensure the protection of the public. The advisory council shall advise on matters that include but are not limited to the licensure and regulation of pharmacy benefit managers set forth in Title 22, Title 37, and Title 40 of the Louisiana Revised Statutes of 1950, applicable rules and regulations of state agencies, and federal laws or rules relative to pharmacy benefit managers. [La. R.S. 40:2869]

Meeting Minutes

July 8, 2020

1 A regular meeting of the Council was held by videoconference on Wednesday, July 8,
2 2020. As noted on the meeting agenda, the Council certified it could not achieve an in-
3 person quorum due to the provisions of *Governor's Proclamation No. 83 JBE 2020 ~*
4 *Renewal of State of Emergency for COVID-19 ~ Phase 2 of Resilient Louisiana.*
5 Therefore, as permitted by *Governor's Proclamation No. 84 JBE 2020 ~ Renewal of*
6 *State of Emergency for COVID-19 ~ Extension of Emergency Provisions,* the Council
7 elected to conduct its meeting by videoconference.

8
9 **1. Call to Order**

10 Mr. Frank Opelka, Chair, called the meeting to order at 10:30 a.m.

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12 **2. Quorum Call**

13 Mr. Opelka called the roll of members to establish a quorum.

14
15 **Members Present:**

16 Mr. Frank Opelka (Dept. of Insurance)
17 Mr. Jeff Zewe (Dept. of Insurance)
18 Mr. Carl Aron (Board of Pharmacy)
19 Ms. Lauren Bailey (La. State Medical Society)
20 Dr. Christy Lenahan (La. Association of Nurse Practitioners)
21 Dr. Beverly Walker (La. Pharmacists Association)
22 Mr. Donelson Caffery (La. Independent Pharmacies Association)
23 Ms. Mary Staples (National Association of Chain Drug Stores)
24 Dr. Joseph Comaty (La. Academy of Medical Psychologists)
25 Mr. Jeff Drozda (La. Association of Health Plans)
26 Mr. Diane Davidson (La. Business Group on Health)
27 Ms. Kristy Copeland (La. Association of Health Underwriters)

28
29 **Members Absent:**

30 La. State Board of Medical Examiners
31 La. Attorney General
32 Public Protection Division, La. Dept. of Justice
33 La. Dept. of Health
34 La. Academy of Physician Assistants
35 Pharmaceutical Research & Manufacturers of America
36 PBM licensed by Board of Pharmacy and selected by PCMA
37 La. Association of Business & Industry
38 La. AFL-CIO

39
40 **Staff Present:**

41 Mr. Malcolm Broussard (Board of Pharmacy)

42
43 Mr. Opelka certified 11 of 20 members were present, constituting a quorum for the
44 conduct of official business.

45
46 **3. Amendments to Council Roster**

47 Mr. Opelka reported the Commissioner of the Dept. of Insurance had appointed Mr. Jeff

1 Zewe, Deputy Commissioner for the Office of Consumer Services in the Dept. of
2 Insurance to replace him on the Council. Mr. Opelka indicated that would create a
3 vacancy in the office of Council Chair. He suggested the propriety of a special election
4 to fill the vacancy.

5
6 * *Special Election for Council Chair*

7 Mr. Opelka solicited nominations for the office of Council Chair. Mr. Jeff Drozda
8 nominated Mr. Jeff Zewe. With no other nominations, Mr. Drozda moved Mr. Zewe be
9 elected by acclamation. There were no objections to that motion. Mr. Zewe assumed
10 the office of Council Chair.

11
12 *4. Call for Additional Agenda Items & Adoption of Agenda*

13 Mr. Zewe noted an omission on the posted agenda and moved to add consideration of
14 the minutes from the previous meeting in March 2020 to the current agenda. There
15 were no objections to that motion. Mr. Zewe added the new item as Agenda Item 4-A.

16
17 *4-A. Consideration of Minutes from Previous Meeting*

18 Mr. Zewe asked if there were any corrections to be made to the draft minutes which had
19 been circulated to the members. Hearing no corrections and without objection, Mr.
20 Zewe declared the minutes were approved as presented.

21
22 *5. Opportunity for Public Comment*

23 Mr. Zewe solicited general public comments; there were none.

24
25 *6. Development of Council Policies and Procedures*

26 Mr. Zewe reminded the members of their decision at the previous meeting to use
27 existing policies from the Prescription Monitoring Program (PMP) Advisory Council as a
28 starting point for the task of formulating policies for the PBM Monitoring Advisory
29 Council. He noted that document had been distributed with the notice for that meeting.
30 He solicited volunteers to assist him and Mr. Broussard with the drafting process. There
31 were no volunteers during the meeting but Mr. Zewe alerted the members they could
32 reach out after the meeting if they wished to do so. He indicated his intent to present a
33 draft policy document to the Council at their next meeting for its consideration.

34
35 *7. Review of Industry Trends and Emerging Issues*

36 Mr. Zewe solicited comments or suggestions for this standing agenda topic; there were
37 none.

38
39 *8. Review of Rulemaking Activity*

40 Mr. Broussard reviewed the current progress of the Board of Pharmacy's Regulatory
41 Project 2020-4 ~ Pharmacy Benefit Managers. He reported the proposed rule was
42 considered by the Occupational Licensing Review Commission at its February 28, 2020
43 meeting and deferred until its July 23, 2020 meeting.

44
45 *9. Calendar Notes*

46 Mr. Zewe reminded the members of their decision at their organizational meeting to
47 adopt a quarterly meeting schedule for January, April, July, and October. More

1 specifically, the Council determined it appropriate to meet on the same day as the
2 Prescription Monitoring Program (PMP) Advisory Council, which meets on the second
3 Wednesday of the first month of each calendar quarter. With no requests to change,
4 Mr. Zewe indicated the next meeting would be held on Wednesday, October 14, 2020.
5

6 *10. Adjourn*

7 Having completed the tasks itemized on the posted agenda, with no further business
8 pending before the Council, and without objection, Mr. Zewe adjourned the meeting at
9 10:47 a.m.
10

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12 *Minutes prepared by Malcolm Broussard, Executive Director, La. Board of Pharmacy*

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