

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
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
President, La. Academy of Medical Psychologists
President, La. Association of Health Plans
President, of a PBM licensed by the Board of Pharmacy and selected by the Louisiana
affiliate of the Pharmaceutical Care Management Association
President, La. Association of Business & Industry
Chief Executive Officer, La. Business Group on Health
President, La. AFL-CIO
President, La. Association of Health Underwriters
The Governor
Chair, House Committee on Insurance
Chair, Senate Committee on Insurance
Chair, House Committee on Health & Welfare
Chair, Senate Committee on Health & Welfare

Meeting Minutes

October 9, 2024

A regular meeting of the council was held on **Wednesday, October 9, 2024** in the Poydras Hearing Room at the Louisiana Department of Insurance (LDI), located at 1702 North Third Street in Baton Rouge, Louisiana 70802. The meeting was conducted in a hybrid meeting format, in-person and by electronic means (Zoom).

1. Call to Order

Chairman Mills called the meeting to order at approximately 10:34 a.m.

2. Quorum Call

Chairman Mills asked Mr. Fontenot to call the roll of members to establish a quorum.

Members Present:

Mr. Frank Opelka (For the Commissioner, Louisiana Dept. of Insurance)
Mr. Marty McKay (President, Louisiana Board of Pharmacy)
Mr. D. Jeddie Smith, Jr. (For the Louisiana Attorney General)
Mr. Michael Dupree (Director of the Public Protection Division, La. DOJ)
Ms. E. Sue Fontenot (For the Secretary, Louisiana Dept. of Health) *
Mr. Scott Black (President, Louisiana Pharmacists Association) *
Mr. Don Caffery (For the President, La. Independent Pharmacies Assoc.) *
Mr. Jeff Drozda (For the President, Louisiana Association of Health Plans) *
Mr. Robert Rieger (For the President of a PBM / Prime Therapeutics / PCMA)
Ms. Cheryl Tolbert (CEO, Louisiana Business Group on Health)
Mr. Josh Sonnier (For the President, Louisiana AFL-CIO)
Ms. Kristy Copeland (For the President, La. Assoc. of Health Underwriters)
Senator Kirk Talbot (Chairman, Senate Committee on Insurance)
Rep. Chris Turner (For the Chairman, House Committee - Health & Welfare)
Mr. Fred H. Mills, Jr. (For the Chairman, Senate Committee - Health & Welfare)
(* - participated by electronic means)

Members Absent:

The President of the Louisiana State Board of Medical Examiners
The President of the Louisiana Academy of Physician Assistants
The President of the Louisiana State Medical Society
The President of the Louisiana Association of Nurse Practitioners
The President of the National Association of Chain Drug Stores
The President of the Pharmaceutical Research & Manufacturers of America
The President of the Louisiana Academy of Medical Psychologists
The President of the Louisiana Association of Business & Industry
The Governor
The Chairman of the House Committee on Insurance

Mr. Fontenot certified 14 of 25 members were present, constituting a quorum for the conduct of official business. Senator Talbot arrived at approximately 10:50 a.m. which resulted in 15 members present.

Support Staff Present:

Mr. Joe Fontenot (Executive Director, Louisiana Board of Pharmacy)
Mr. Alex Deinken (IT Consultant, Louisiana Department of Insurance)

Guests Present:

Ms. Cathy McKay

3. Consideration of Minutes from Previous Meeting

Chairman Mills asked for a motion to approve the draft minutes of the previous meeting held on July 10, 2024. A motion was offered by Rep. Turner, seconded by Mr. Rieger, and then adopted after a unanimous vote of the remaining members in the affirmative declaring the minutes approved.

4. Opportunity for Public Comment

Chairman Mills solicited public comment and acknowledged that there were three submissions by email which will be entered into the meeting minutes.

Attachment A: October 8, 2024 email from Kyle Stevens, Bellingrath Pharmacy

Attachment B: October 9, 2024 email from Ella Vasquez, DBS Pharmacy

Attachment C: October 9, 2024 email from Christina Brown, Picou's Drug Store

Chairman Mills further stated that he has briefly discussed the communications with Mr. Rieger. Mr. Rieger expressed his willingness to address any issues regarding his members in a scheduled meeting. Contact information to schedule such meetings was provided. There was no further public comment.

5. Federal Trade Commission (FTC) Interim Staff Report (July 2024)

Chairman Mills noted that the executive summary of this report has been provided by Mr. Joe Fontenot and is available as a [link](#) on the agenda for this meeting and can be found on the PBM Monitoring Advisory Council webpage of the Board of Pharmacy website. He then asked for comments or statements regarding that report. None were offered.

6. FTC Sues Prescription Drug Middlemen for Artificially Inflating Insulin Drug Prices

The [document](#) titled "Statement of FTC Bureau of Competition Deputy Director Rahul Rao on Lawsuit Against PBMs and the Role of Drug Manufacturers in Distorting Competition in the U.S Drug Distribution System" was distributed to members in person and made available electronically to all in attendance. There were no member questions or comments.

7. Review of Industry Trends and Emerging Issues

Chairman Mills solicited comments from the members, calling on Mr. Opelka, who advised that his agency continues the rulemaking process for the bills reviewed at the last Pharmacy Benefit Manager (PBM) Monitoring Advisory Council meeting.

Chairman Mills asked for information regarding complaints received by individual agencies with each agency reporting little activity in this area.

8. Review of Rulemaking Activity

The members had no rulemaking activity to report in addition to what was previously discussed.

9. Calendar Notes

Chairman Mills requested that Mr. Fontenot provide calendar notes. Mr. Fontenot advised that the tentative meeting dates for calendar year 2025 are January 8, April 9, July 9, and October 8 at 10:30 a.m.

10. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the council and without objection, Chairman Mills adjourned the meeting at approximately 11:06 a.m.

Minutes approved during subsequent meeting of the Council on January 8, 2025.