



Pharmacists United for
Truth & Transparency

The PUTTbulletin



PCMA Failures, Frozen Pizza and a Former PBM Auditor Confesses All: Welcome to PUTT's 2023 Year in Review

Dear Friend,

Happy Holidays! 2023 was a very busy year for the business of pharmacy, with important wins in key areas including contracts; PBM regulation and enforcement; patient advocacy; a focus on better working conditions for pharmacists and staff; and perhaps best of all, a U.S. Congress nearly fully aligned on reining in PBM profiteering at consumer, taxpayer and provider expense.

Looking back at the last year:

In **January**, PUTT welcomed a new slate of officers, with **Deborah Keaveny**, founder of Minnesota's independent pharmacy association, [MNIndys](#), stepping into the role of President and second-generation Illinois pharmacy owner **Lauren Young** taking on the Vice Presidency. With most

states commencing legislative sessions, we watched the federal government with interest as the **handful of PBM regulation bills introduced in Congress** turned into what would become some **40+ anti-PBM abuse bills**. The same month, **Mark Cuban** spoke to students at a gathering at Arizona State University, describing in detail his transformation from tech billionaire and NBA team owner to drug company magnate (spoiler alert: he believes PBM reform is greatly overdue), and why he chose to put his name on what would become **Mark Cuban Cost Plus Drug Company**. Though we didn't know it then, Mark Cuban, with his vision for safe, affordable medication at transparent prices, would become a regular topic of conversations among independent pharmacy owners and advocates throughout 2023.

February saw **PCMA's PBM-to-PBC rebrand** fall flat, though they certainly kept trying to make PBCs a thing. Meanwhile PUTT launched a new happy-hour style podcast, **PBM on the Rocks**, (called by some "the Howard Stern of pharmacy podcasts" ... we'll take that praise). Centene reached its highest **Medicaid managed care fraud settlement to date**, **paying the State of California \$215 million**, bringing its **total payout to more than \$900 million toward the \$1 billion it set aside to settle 20 state lawsuits**. The **U.S. Senate Committee on Commerce, Science and Transportation** held the **"Bringing Transparency and Accountability to Pharmacy Benefit Managers"** hearing...

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KEEPING UP THE HEAT

**HHS Secretary Xavier Becerra & AZ Attorney
Kris Mayes General Visit PUTT Board
Member Pharmacy**



(pictured from left) AZ Attorney General Kris Mayes, HHS Secretary Xavier Becerra, & Melrose Pharmacy owner Teresa Dickinson - *photo courtesy of Melrose Pharmacy*

On Thursday, December 14, Teresa Dickinson, a past president of PUTT and current PUTT Board member, hosted HHS Secretary Xavier Becerra and Arizona AG Kris Mayes at a news conference [promoting the Inflation Reduction Act and associated actions taken by the Biden Administration](#) to help lower Medicare drug costs. Teresa also spoke at the conference, taking the time to share about how PBM overreach and abuse have affected thousands of pharmacies like hers. After the conference, she gave Sec. Becerra a list of issues she'd experienced with PBMs and will be meeting with AG Mayes, who recently [filed a lawsuit against PBMs and insulin makers](#) for price fraud.

INDY PHARMACY VOICES

It's Not Pharmacy that Needs Disruption, It's Prescription Drug Pricing | Dawn Butterfield, RPh



There's a lot of talk lately about disrupting the traditional pharmacy model, but it's not pharmacy that needs disrupting. If any aspect of pharmacy is ripe for disruption, it's the prescription drug pricing model.

Amazon thought they would "disrupt" this pricing model, but in the end the big Amazon Pharmacy push was what it had always been: flashy mail order pharmacy for people who love mail order shopping. Even Amazon failed to bring down the true consumer cost of prescription medication.

The newest "cost plus" model of drug pricing isn't new at all. At least a decade before Mark Cuban Cost Plus Drugs was a household name, independent pharmacies were offering patients "cost plus" prescription pricing - and this was at a time when PBMs had restrictive gag clauses on pharmacies for even telling a patient they could get their medicine cheaper without their insurance.

Pharmacy owners know their drug acquisition cost and - like every business operating on the planet - simply want to cover the cost of goods sold and make a reasonable profit (i.e. dispensing fee) for the transaction...

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SMART LISTENS

the PUTTcast | On the Record



The PBM Express Scripts asked to convene an independent pharmacy advisory group to determine how PBMs could be better “partners” with independent pharmacies - PUTT responded with a [comprehensive letter](#) outlining many of the issues pharmacies confront in their daily dealings with PBM “partnerships”... this month, the PUTTcast takes that conversation a step further...

[LISTEN NOW](#)

Did You Know:

PUTT is the only 501c3 nonprofit organization 100% focused on fighting to expose & combat PBM predatory practices on behalf of independent pharmacies & their patients.

This Holiday Season, Give the Gift of Advocacy!

[Click Here to Make Your Tax Deductible Donation & Invest in Advocacy Now](#)

EAR CANDY

PBM on the Rocks (the podcast)



Listen in as our December cocktail crew takes a deep dive into retail pharmacy issues. From theoretical staffing shortages and changing pharmacy's scope of practice, to addressing safety problems, and the push for unionization - no subject is taboo during this breakdown!

Special Guests: Shane Jerominski, PharmD & Maurice Shaw, PharmD

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ON THE NAUGHTY LIST



[CVS's new drug payment plan won't lower patients' prices, experts warn](#)

Drug pricing experts, say CVS' CostVantage program appears designed to pad CVS' own bottom line rather than make drugs cheaper for patients and employers.

[READ THE ARTICLE](#)



[UnitedHealth, Cigna face lawsuits over alleged automated claims denials](#)

The allegations come amid broader ongoing conversations among policymakers around insurers' use of algorithms and artificial intelligence when processing claims or prior authorization requests.

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Pharmacies give medical records to police without warrants, probe uncovers

The largest [pharmacy](#) chains in the U.S. give patients' medical records to law enforcement without warrants, a new congressional investigation found. Legislators urged the [Department of Health and Human Services](#) — for the second time this year — to revise [HIPAA](#) regulations to protect Americans' medical records.

[READ THE ARTICLE](#)



How Cigna Saves Millions by Having its Doctors Reject Claims Without Reading Them

The company has built a system that allows its doctors to instantly reject a claim on medical grounds without opening the patient file, leaving people with unexpected bills... Over a period of two months last year, Cigna doctors denied over 300,000 requests for payments using this method, spending an average of 1.2 seconds on each case, the documents show.

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THE GIFT OF ENFORCEMENT



'It is a Broken System': Oklahoma Fights Against Unfair Pharmacy Practices

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California Enacts PBM Anti-Discrimination Law

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Maine Expressly Requires Express Scripts to Apportion Services Receipts Using a Look-Through Approach

[READ THE COURT DECISION](#)

ALEXA, SING AN INDEPENDENT PHARMACY HOLIDAY SONG

On the twelfth day of Christmas my PUTTbull gave to me:

♪ Twelve claims a-processed,	♪ Three returning patients,
♪ Eleven legal victories,	♪ Two audit lawyers,
♪ Ten state enforcements,	♪ and prescriptions without DIR fees!
♪ Nine pbm sanctions,	
♪ Eight fair contracts,	
♪ Seven fees a-reversed,	
♪ Six rising profits,	
♪ Five full reimbursements!	
♪ Four open networks,	



♪ Oh PBMs, for Hanukkah
♪ We're lighting a fire
♪ With each indy pharmacy
♪ The flames are dancing higher
♪ Close up your black box
♪ Of ill-gotten funds
♪ The FTC is coming and you're on the run!

TIDINGS OF (OCCASIONALLY) GREAT JOY

AXIOS PRO

The House Passed its Health Bill. How's the Senate Doing?

Wyden said he wants the PBM provisions to be "much" broader than what is in the House measure (which focuses on transparency and banning spread pricing in Medicaid)... A bipartisan Senate Finance package includes initiatives like lowering patient out-of-pocket costs for certain drugs and "delinking" PBM compensation from a drug's price. House Energy and Commerce [recently approved](#) some similar measures, but they were not wrapped in the transparency bill that passed the full chamber.

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FTC Chief Gears Up for a Showdown With Private Equity

A recent Federal Trade Commission civil lawsuit accusing one of the nation's largest anesthesiology groups of monopolistic practices that sharply drove up prices is a warning to private equity investors that could temper their big push to snap up physician groups.

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Survey Finds More than Half of Employers Not Confident in PBM Practices

Employers support policy reforms that can improve affordability. More than 80% of employers support both PBM and hospital reforms, according to the [results of a survey](#) by the National Alliance of Healthcare Purchaser Coalitions. Rising healthcare costs continue to be a concern among those surveyed, with 82% saying rising healthcare costs impacts their own organization's competitiveness.

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Eliminating Anticompetitive PBM Practices Are Free Market Reforms

Like much of the healthcare sector, the current government driven, third party payer system misaligns the interests of patients and the companies that manage patients' drug benefits (called pharmacy benefit managers, or PBMs)... Fixing these problems is an essential precursor for creating a patient-centered healthcare system.

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