

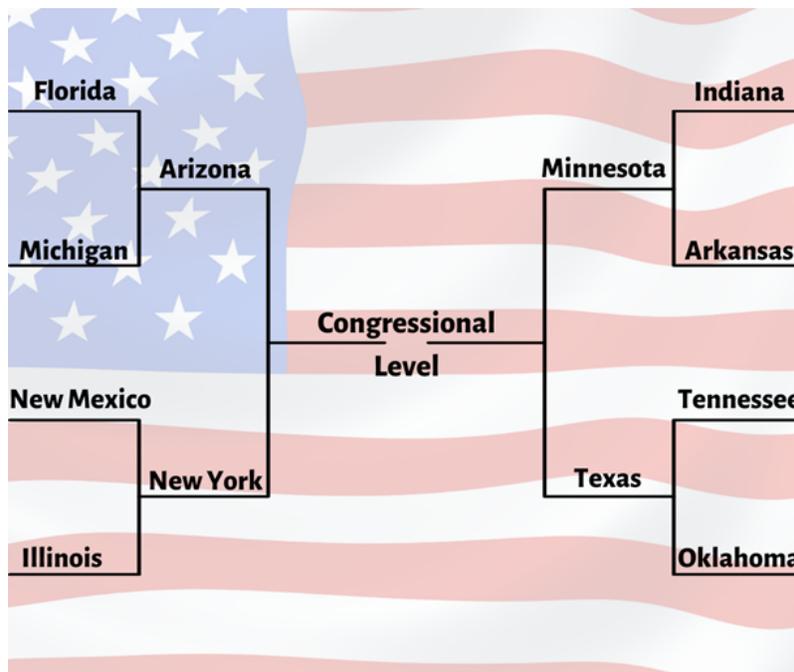


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# The PUTTbulletin

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## March Madness: PUTT's Legislative Roundup



**Happy Legislative March Madness!** Many state legislatures are barreling towards the end of their Spring session, and it's time for an update on what's happening across the country in the fight for transparency against PBMs/PBCs. We analyze legislative committee hearings to see what new dirty tricks PBMs and their vertically integrated health plan comrades are using to try and fool our legislators this session, so we can provide our donors with resources and infographics to combat them.

If we were to create a bracket for PBM Reform bills at the state level, you would see perennial powerhouses such as **Texas** working to continue their success of previous sessions and expand on their PBM reform bills that were passed before. Texas' **HB 1919** sponsored by Rep. Tom

Oliverson, passed in 2021 and builds on the Rutledge decision by including ERISA plans in the state's purview. Opposition to this bill (including *Texans for Affordable Healthcare*, a PCMA spin-off group) is now waging a defensive onslaught to get the legislation repealed. As a physician, Dr. Oliverson understands first-hand the need for PBM reform. He knows patients are being harmed by legislative changes not being enacted or enforced, and is steadfast in his determination to protect independent pharmacies and their patients.

**Arizona** and **Minnesota** may be the Cinderella stories of this year, as their PBM reform bills play out against CVS Caremark & United Healthcare/Optum in their respective home states...

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## PBM BRAZEN ATROCITIES AWARDS



Davis City Pharmacy was originally founded in 1892. Located about half an hour's drive west of Ft. Worth in Weatherford, the founders of this Texas treasure surely never imagined a world in which 21st century robber barons would have it in for their little community pharmacy - and could possibly permanently close the doors of the 131-year-old small business.

At first, Brandi Chane, Davis City Pharmacy's owner, couldn't figure out where the losses were coming from. A nurse by trade, Brandi purchased Davis City Pharmacy with the goal of seamlessly continuing a time-honored tradition of care that the pharmacy's patients had come to expect over generations...

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## BARKS & BITES

### Do You Know Who Else Your Lobbyist is Working For?



Florida independent pharmacy owners recently uncovered a wolf in sheep's clothing; a lobbyist working for both sides of the issue.

Lobbyists are required to list the entities they are working on behalf of that are affected by legislation they are lobbying on. Upon viewing the public record of lobbyists signed in as "for" and "against" Florida's new PBM reform

bill, they discovered a key lobbyist currently has CVS, Florida BCBS, Guidewell, and McKesson all as clients.

McKesson, a wholesaler, makes money from sales to independent pharmacies and uses some of that money to secure lobbyists on behalf of those independent pharmacies' best interests. CVS and the most powerful insurer in the state (Florida BCBS and their sister company Guidewell) are never on the same side of legislation as independent pharmacies.

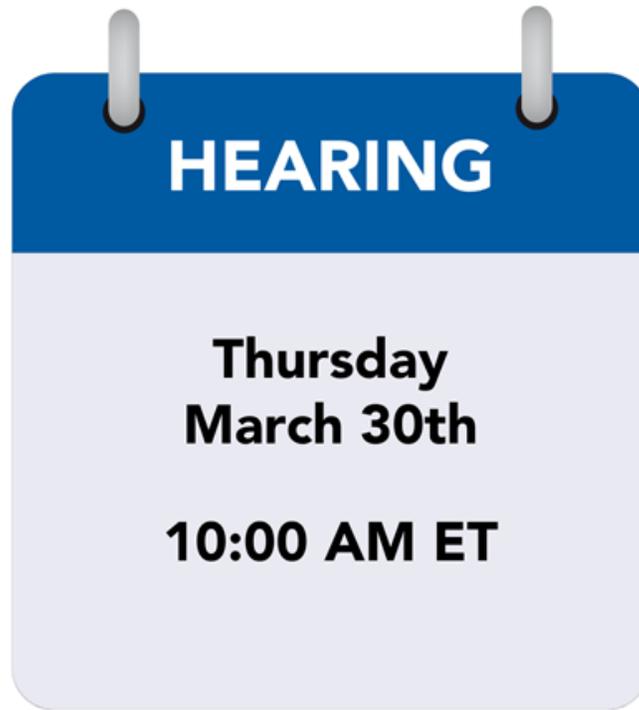
How can a lobbyist working both sides of the coin attend client meetings and disseminate information for two completely opposing organizations? Or does McKesson have ulterior motives?

Lobbyists tend to want to make as much money as possible, and while not all lobbyists are crooked, with an extensive knowledge of how government works, these types of conflicts of interest can get swept under the rug in favor of the almighty dollar. The lesson? **Before spending thousands of dollars on a lobbyist to advocate on your behalf, be sure to do your homework on their other clients.** You never know who you might be accidentally leaving to guard the henhouse!

## MARK YOUR CALENDARS

Senate Finance Full Committee Hearing

**Pharmacy Benefit Managers and the Prescription Drug Supply Chain: Impact on Patients and Taxpayers**



Senators Ron Wyden (D-WA) and Mike Crapo (R-IA) will hold a full committee hearing on PBM supply chain impacts Thursday, March 30th.

To submit a statement for the record, or to review the witness list [click here](#)

[Click Here to Watch the Livestream](#)

## EAR CANDY

[the PUTTcast](#)

[PBM on the Rocks](#)



According to the [National Conference of State Legislatures](#), 171 pieces of PBM legislation have been filed in 40 states this session. Listen in as PUTT Executive Director Monique Whitney, APRx VP of Government Affairs Michael Wright, and PUTT Board VP Lauren Young, discuss what's in the hopper, on the horizon, and why continuing to advocate throughout legislation's dynamic process is so important.

[LISTEN NOW](#)

From re-victimization of pharmacies dealing with the fallout of stolen NPI numbers, to PCMA's new PBM rebranding campaign, & the recent Senate hearing on pharmacy benefit manager transparency - you never know what may be revealed when pharmacy industry professionals discuss PBM (aka PBC) tactics over drinks!

[LISTEN NOW](#)

## LAWSUITS & LEGALITIES

[California Court of Appeals Upholds Ruling Calling OptumRx's Forced Arbitration Contract Clause "Unconscionable"](#)



Raise a Glass! We're taking a moment to honor [Mark Cuker](#), Jacobs Law Group and the 22 independent pharmacies who [earned another well-fought victory against OptumRx](#). The California Court of Appeals agreed that yes, in fact, OptumRx's forced arbitration clause IS unconscionable in Platt LLC et al vs. OptumRx, Inc.

Although "unconscionable" more or less speaks for itself, it's also a legal term that determines the degree to which a contract can be written to greatly favor one party over another. The 41-page decision goes into some mighty fine detail about the unconscionability of OptumRx's contracting, and also acknowledges the "adhesiveness" of OptumRx's contracts in general ("adhesive" is a legal term for "take it or leave it" contracts)

Mark and the pharmacy plaintiffs have been engaged for several years working to prove the anti-competitive nature of the PBM business model as it relates to small business pharmacies. The California Court of Appeals ruling is the latest in a string of victories. To Mark and the pharmacies fighting this very good fight, we offer a heartfelt thank you and congratulations!

[Read PUTT's Official Response to the Decision](#)

## Did You Know

As a Registered 501c3 Organization, Donations to  
PUTT are Tax Deductible

Join the Fight Against PBM Abuse: Donate Now!

## PUTTBULLETIN BOARD



Now that American Pharmacies has opened a federal division, they have created a multi-state Federal Advisory Panel to provide their team insight and guidance on federal advocacy issues affecting independent pharmacy. **PUTT members Steve Hoffart (TX), Jason Turner (WV), PUTT Board Member Teresa Dickenson (AZ), and PUTT Board President Deborah Keaveny (MN)** have all been named as members of this prestigious advisory panel. Bravo, PUTTbulls!

**Have you taken advantage of PUTT's Advocacy Kit?** Available in the PUTT Member Library, everything from **press conference templates & invaluable talking points, to printable signs, infographics, and grassroots guides** - it's a great way to kickstart relationships with your elected officials and boost support of reform legislation that matters.

**Get LOUD!**

Check It Out!

## VIEWPOINTS & VOICES

- [Debate Over Pharmacy Benefit Managers a Matter of Price vs. Cost](#) | **The Center Square**, Author Dr. Madelaine Feldman
- [Congress Must Protect Consumers From Predatory Drug Middlemen](#) | **DC Journal**, Author David Balto, former FTC Commissioner
- [Middlemen are Increasing Prescription Drug Costs. The Public Needs to Know](#) | **Boston Business Journal**, Author Todd Brown, MIPA Executive Director
- [Oncologists Say Prior Authorization is Out of Control and Harming Patients with Cancer](#) | **Community Oncology Alliance**
- [Prescription Drug Middlemen are Jacking Up Prices](#) | **Washington Examiner**, Author B. Douglas Hoey, NCPA CEO

## NEWS & STORIES

**OHIO CAPITAL JOURNAL**

Ohio AG files antitrust suit against Express Scripts, Humana, others

In a development that is likely shaking the world of health insurance, Ohio Attorney General Dave Yost on Monday sued six corporate entities over the way they facilitate drug transactions. Yost filed the suit under the [Valentine Act](#) — Ohio's antitrust law — accusing the companies

**POLITICO**

Pharmacy benefit managers in the hot seat

The Senate Finance Committee will hold a hearing Thursday on the impact PBMs — the pharmaceutical middlemen that negotiate drug discounts with drugmakers and design prescription drug benefits for health plans — have on the health

of improperly colluding to fix prices and other actions regarding prescription drugs....

[Read the Article](#)

system. The House Energy and Commerce Health Subcommittee is also expected to look into how much value PBMs add as part of a broader discussion about fairness in the health care market, [according to a memo...](#)

[Read the Article](#)



## New coalition targets pharmacy benefit managers

Members of the Patients Not Profits coalition include the Cambridge Chamber of Commerce, Massachusetts Independent Pharmacists Association, Lupus Foundation of New England, RARE New England, Diabetes Patient Advocacy Coalition, Patient Pocket Protector Coalition, Institute for Pediatric Innovation, and PhRMA...

[Read the Article](#)



## How kickbacks became king in False Claims Act litigation

The transformation of a little-used law against health care kickbacks into a powerful theory of False Claims Act liability has been so successful that enforcement is now spearheaded by a "well-funded" plaintiffs bar that is "in it for the money," a former government lawyer who championed the transformation told Law360.

[PUTTbull Exclusive: Read it Now](#)

PBM PHARMACY  
"NETWORKS"



PBM PATIENT "CARE"



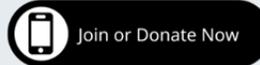
PBM Rx "SAVINGS"



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**HELP US PUT A STOP TO PBM ABUSE  
OF AMERICAN HEALTHCARE**



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