

## THE ALLIANCE FOR TRANSPARENT AND AFFORDABLE PRESCRIPTIONS

1100 East Woodfield Road, Suite 350  
Schaumburg, Illinois 60173

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### NEWS FROM ATAP

Dear ATAP MEMBER:

We want to share with you some highlights from **ATAP** this month:

#### **ON THE DOWNSIDE:**

**ATAP** supplied the model language for **Alabama SB 227**, a bill that was introduced in the Alabama Senate. Unfortunately, this bill was gutted by members of the Senate. The bill was amended into a bill that we cannot support at this time.

In **Florida**, after discussions between Dr. Robert Levin, the president of ATAP, and aides to Senator Wright, the sponsor of **Florida SB 390**, and a supporter of transparency regarding PBM contracts, **SB 390** was amended by the Florida Senate. We cannot support **SB 390** in its present form. ATAP has written letters in support of the *original SB 390*. Dr. Levin also had conversations with Senator Thurston of Florida, a supporter of PBM contract transparency. Senator Thurston opined that he will try to have **SB 390** revised, so that it contains language in line with its original intent. Sadly, that may not be possible with the present representation in the Florida Legislature.

Dr. Levin also spoke with Representative Toledo the sponsor of the companion House bill, **Florida HB 1155**. This bill was also gutted. ATAP cannot support **HB 1155**.

#### **ON THE UPSIDE:**

**West Virginia** has just passed **HB 2263** and this bill is awaiting the signature of Governor Jim Justice. ATAP has written the governor to let him know that we support the bill. This bill will:

- Helping to eliminate spread pricing
- Oversight by the W. VA. Insurance Commissioner to propose regulations to effectuate the standards of this bill in reference to PBMs,
- Allowing for consumer (our patients') choice of pharmacies,
- Mandating that PBMs must report credits, rebates, discounts or other such payments were passed on to reduce insurance premiums or rates, and
- Requiring the Commissioner to consider information in reviewing premium rates.

\*\*\*\*\*We have also asked for an audience with Governor Justice and Dr. Levin.

**The New York Senate** will most likely pass **S1768**, a bill sponsored by Senator Skoufis. Dr. Levin has spoken with the senator's legislative aide and we have written letters in support of this initiative. This is a broad and sweeping bill regarding oversight and transparency within the realm of PBM contracts. This bill states that:

- Payment to PBMs is limited to administrative fees only,
  - The Dept of Insurance may establish a maximum administrative fee,
  - PBMs must identify all income and financial payments related to the provision of administrative services including rebates, claw backs, inflationary payments and
  - PBMs may not have spread pricing as part of the contract with insurers.
- \*\*\*\*We will be writing a letter to the governor of NY when this bill is passed and may need to have a call of action from our members to also send letters in support of this bill. We will keep you posted!!

Dr. Levin will be speaking to Representative Susan Manchester of Ohio, this week to voice our *support* for **Ohio HB 135**. This is an accumulator bill which addresses the issue of payments made by third parties not being counted toward the patient's deductible or out of pocket expenses.

We are tracking and writing letters of support for multiple bills including **Texas, Maryland, Kansas** and **Massachusetts**. Dr. Levin is, and will continue to have discussions with several legislators regarding our support for the passage of PBM transparency and accumulator bills. We are also looking to **California**, as we are noticing a "watering down" of PBM regulations in this state. A meeting is being scheduled for Dr. Levin to discuss this with California legislators.

### **MOVING FORWARD:**

ATAP is transitioning to a new management firm. We are also considering a change in our organizational status in order to make our organization financially able to pursue the ever increasing challenges facing our providers, patients, and members.

We will have more details in our next newsletter.

If you have questions or suggestions please contact [jcantrell@rheumatology.org](mailto:jcantrell@rheumatology.org). or [terrystolow@utexas.edu](mailto:terrystolow@utexas.edu).

We are making great strides and ATAP is marching onward with its mission to promote reforms to contain drug prices and discourage abuses by pharmacy benefit managers. Together we will give patients increased access to care.

Sincerely,

Robert W. Levin, MD  
President, ATAP