

April 21, 2022

Mr. Robert Wake
Chair
Employee Retirement Income Security Act (ERISA) (B) Working Group
National Association of Insurance Commissioners (NAIC)
Executive Office
444 North Capitol Street, NW
Hall of the States, Suite 700
Washington, DC 20001-1509

Re: Comments on Draft Summary of Rutledge v. PCMA and Other Proposed Changes to ERISA Handbook

Dear Bob:

As one of the consumer representatives to the National Association of Insurance Commissioners (NAIC) who is working with the Pharmacy Benefit Manager Regulatory Issues (B) Subcommittee, please accept the following comments on the Draft Summary of Rutledge v. PCMA along with some additional changes that we propose to be made to the NAIC ERISA Handbook.

Rutledge v. PCMA Summary

We believe that the NAIC has done an excellent job in crafting a concise summary of the Supreme Court case Rutledge v. PCMA. The only addition we would suggest is to specifically mention subsequent cases that have been decided by courts relative to what other states have enacted. States such as North Dakota and Oklahoma have enacted No as(n0te)n0te

3) The Glossary of terms should include the terms and definitions of Pharmacy Benefit Manager, contractor or plan designee

Thank you for the opportunity to submit these comments. If you have any questions, please contact Carl Schmid, HIV+Hepatitis Policy Institute at cschmid@hivhep.org. Thank you very much.

Sincerely,



Executive Director
HIV+Hepatitis Policy Institute

cc: TK Keen, Chair, PBM Subgroup
Jennifer Cook, NAIC