

# 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 {vacancy}  
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 {vacancy}  
President, La. Academy of Medical Psychologists  
President, La. Association of Health Plans  
President, Pharmacy Benefit Manager *licensed by the Board of Pharmacy and selected by the Pharmaceutical Care Management Association* {vacancy}  
President, La. Association of Business & Industry {vacancy}  
Chief Executive Officer, La. Business Group on Health  
President, La. AFL-CIO {vacancy}  
President, La. Association of Health Underwriters

The advisory council shall provide monitoring of pharmacy benefit managers in Louisiana to advise the legislature, commissioner of insurance, and Board of Pharmacy on the most effective and efficient manner of regulation of pharmacy benefit managers to ensure the protection of the public. The advisory council shall advise on matters that include but are not limited to the licensure and regulation of pharmacy benefit managers set forth in Title 22, Title 37, and Title 40 of the Louisiana Revised Statutes of 1950, applicable rules and regulations of state agencies, and federal laws or rules relative to pharmacy benefit managers. [La. R.S. 40:2869]

### Meeting Minutes

July 8, 2020

A regular meeting of the Council was held by videoconference on Wednesday, July 8, 2020. As noted on the meeting agenda, the Council certified it could not achieve an in-person quorum due to the provisions of *Governor's Proclamation No. 83 JBE 2020 ~ Renewal of State of Emergency for COVID-19 ~ Phase 2 of Resilient Louisiana*. Therefore, as permitted by *Governor's Proclamation No. 84 JBE 2020 ~ Renewal of State of Emergency for COVID-19 ~ Extension of Emergency Provisions*, the Council elected to conduct its meeting by videoconference.

*1. Call to Order*

Mr. Frank Opelka, Chair, called the meeting to order at 10:30 a.m.

*2. Quorum Call*

Mr. Opelka called the roll of members to establish a quorum.

**Members Present:**

Mr. Frank Opelka (Dept. of Insurance)  
Mr. Jeff Zewe (Dept. of Insurance)  
Mr. Carl Aron (Board of Pharmacy)  
Ms. Lauren Bailey (La. State Medical Society)  
Dr. Christy Lenahan (La. Association of Nurse Practitioners)  
Dr. Beverly Walker (La. Pharmacists Association)  
Mr. Donelson Caffery (La. Independent Pharmacies Association)  
Ms. Mary Staples (National Association of Chain Drug Stores)  
Dr. Joseph Comaty (La. Academy of Medical Psychologists)  
Mr. Jeff Drozda (La. Association of Health Plans)  
Mr. Diane Davidson (La. Business Group on Health)  
Ms. Kristy Copeland (La. Association of Health Underwriters)

**Members Absent:**

La. State Board of Medical Examiners  
La. Attorney General  
Public Protection Division, La. Dept. of Justice  
La. Dept. of Health  
La. Academy of Physician Assistants  
Pharmaceutical Research & Manufacturers of America  
PBM licensed by Board of Pharmacy and selected by PCMA  
La. Association of Business & Industry  
La. AFL-CIO

**Staff Present:**

Mr. Malcolm Broussard (Board of Pharmacy)

Mr. Opelka certified 11 of 20 members were present, constituting a quorum for the conduct of official business.

*3. Amendments to Council Roster*

Mr. Opelka reported the Commissioner of the Dept. of Insurance had appointed Mr. Jeff

Zewe, Deputy Commissioner for the Office of Consumer Services in the Dept. of Insurance to replace him on the Council. Mr. Opelka indicated that would create a vacancy in the office of Council Chair. He suggested the propriety of a special election to fill the vacancy.

\* *Special Election for Council Chair*

Mr. Opelka solicited nominations for the office of Council Chair. Mr. Jeff Drozda nominated Mr. Jeff Zewe. With no other nominations, Mr. Drozda moved Mr. Zewe be elected by acclamation. There were no objections to that motion. Mr. Zewe assumed the office of Council Chair.

4. *Call for Additional Agenda Items & Adoption of Agenda*

Mr. Zewe noted an omission on the posted agenda and moved to add consideration of the minutes from the previous meeting in March 2020 to the current agenda. There were no objections to that motion. Mr. Zewe added the new item as Agenda Item 4-A.

4-A. *Consideration of Minutes from Previous Meeting*

Mr. Zewe asked if there were any corrections to be made to the draft minutes which had been circulated to the members. Hearing no corrections and without objection, Mr. Zewe declared the minutes were approved as presented.

5. *Opportunity for Public Comment*

Mr. Zewe solicited general public comments; there were none.

6. *Development of Council Policies and Procedures*

Mr. Zewe reminded the members of their decision at the previous meeting to use existing policies from the Prescription Monitoring Program (PMP) Advisory Council as a starting point for the task of formulating policies for the PBM Monitoring Advisory Council. He noted that document had been distributed with the notice for that meeting. He solicited volunteers to assist him and Mr. Broussard with the drafting process. There were no volunteers during the meeting but Mr. Zewe alerted the members they could reach out after the meeting if they wished to do so. He indicated his intent to present a draft policy document to the Council at their next meeting for its consideration.

7. *Review of Industry Trends and Emerging Issues*

Mr. Zewe solicited comments or suggestions for this standing agenda topic; there were none.

8. *Review of Rulemaking Activity*

Mr. Broussard reviewed the current progress of the Board of Pharmacy's Regulatory Project 2020-4 ~ Pharmacy Benefit Managers. He reported the proposed rule was considered by the Occupational Licensing Review Commission at its February 28, 2020 meeting and deferred until its July 23, 2020 meeting.

9. *Calendar Notes*

Mr. Zewe reminded the members of their decision at their organizational meeting to adopt a quarterly meeting schedule for January, April, July, and October. More

specifically, the Council determined it appropriate to meet on the same day as the Prescription Monitoring Program (PMP) Advisory Council, which meets on the second Wednesday of the first month of each calendar quarter. With no requests to change, Mr. Zewe indicated the next meeting would be held on Wednesday, October 14, 2020.

#### *10. Adjourn*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Council, and without objection, Mr. Zewe adjourned the meeting at 10:47 a.m.

*Minutes prepared by Malcolm Broussard, Executive Director, La. Board of Pharmacy; approved as presented during subsequent meeting of the Council on April 14, 2021.*