

2025 Lobby Days

HB 3212: Prescription Drugs

Talking points:

- **Freedom of Patient Choice** ensuring patients the freedom to choose their pharmacy without undue influence from PBMs.

- **Ending contested PBM Practices** by prohibiting PBMs from engaging in spread pricing (charging health plans more and reimbursing pharmacies less keeping the difference as PBM profit), barring PBMs from steering patients to their own PBM-controlled or owned pharmacies, and prohibiting PBMs from changing the terms of a contract after it has already been negotiated.

- **Ensuring Transparency in Drug Pricing** by requiring PBMs to disclose the sources used to determine maximum allowable costs and to update lists regularly, promoting transparency to allow pharmacies to make informed decisions to better serve their patients.

- **Ensuring a Meaningful Appeal Procedure for Pharmacies** addressing inequities inherent in current reimbursement practices.

- **Ensuring Fair Reimbursement for Pharmacies** by requiring the use of an objective and transparent standard to both in and out-of-network pharmacies, including same reimbursement rates for both.

2025 LOBBY DAYS

Talking Points for HB 3212

Changes to rules for PBMs and Prescription Drug Benefits

Sponsored by Representatives NOSSE, NATHANSON, DIEHL, LEVY B, WALLAN, Senators GELSER BLOUIN, GOLDEN; Representatives GRAYBER, HUDSON, PHAM H, SCHARF, WRIGHT, Senators FREDERICK, PHAM K, PROZANSKI, WEBER

The Problem:

- Little to no government oversight of PBMs since PBMs emerged in the 1970s.
- Lack of price transparency and accountability within the pharmaceutical industry.
- Pharmacy Benefit Managers (PBMS), little-known brokers between health insurers and drug manufacturers, act as middlemen or distributors of drugs to pharmacies across Oregon determining drug pricing. (Three primary dominating PBMs are CVS Caremark, Express Scripts, and United Health's Optum RX.)
 - A 2020 study from West Health Policy Center estimates an additional 1.1 million Americans on Medicare could die by 2030 because of unaffordable drug prices. Pharmacy and patient groups say few of PBM negotiated pricing reach patients.
 - Dr. Madeline Feldman, former president of the Coalition of State Rheumatology Organizations, testified in Congress in 2021 that the savings PBMs claim to save consumers actually create revenue streams for the PBMs themselves.
 - Lack of fair and equitable reimbursement by PBMs to pharmacies currently.
 - Unfair practices by PBMs mandating beneficiaries fill prescriptions exclusively at network pharmacies.
 - Oregon's community pharmacies have been closing at an alarming rate, driven out of business by PBM practices.

The Proposed Solution HB3212

- **Freedom of Patient Choice** ensuring patients the freedom to choose their pharmacy without undue influence from PBMs.
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