From: Gregg Kasten
To: DCBS DFR Rules * DCBS
Cc: Jacqueline Zeledon
Subject: Comment on 836-200-0520
Date: Tuesday, January 28, 2025 5:13:24 PM

Hello.

ClassOne Insight, Inc., assists pharmaceutical manufacturers with their compliance efforts toward various states' Price Transparency Reporting requirements. I realize that you recently published guidance that the threshold has changed from $670 to $950 as of January 1 2025. We have a comment on the related proposed language for 836-200-0520:

> The first sentence of the proposed rule implies that the threshold that triggers reporting will be tied to the Medicare Part D Drug Specialty Threshold, which itself changes periodically.
> But bullets (1) and (2) imply that Oregon is intending to update the threshold, but "fix" it as the new value ($950) until a new rule is issued.
>
> If your intent is to make it dynamically adjust whenever the Medicare program adjusts the threshold, then it would be helpful to re-word bullet (2) to reflect that by removing the mention of the explicit $950 (or to restate the $950 as an example) - like:
>
> > "(2) For new prescription drugs introduced on or after January 1, 2025, the threshold will adjust automatically according to the minimum Medicare Part D specialty tier eligibility as established by the Centers for Medicare and Medicaid Services. For example, for 2025, that threshold is $950."
>
> If your intent is to fix it at $950 until another updated rule is issued by your commission, then it would be helpful if you would remove confusion by doing two things:
>
> - Amending bullet (2) to be more explicit that $950 is a new value that will remain in effect until Oregon rulemaking takes further action, perhaps by appending something like "This threshold will remain at $950 until such time that it may be modified by subsequent rulemaking."
> - Updating the prefacing text to remove reference to the Medicare Part D program so that there is no confusion that the threshold value will automatically adjust. So something like:
> "For new prescription drugs introduced on or after March 15, 2019, with a price for a one-month supply that exceeds the thresholds listed below, the manufacturer must report to the department the information described in OAR 836-200-051."
>
> In case this is helpful: many states that have new drug reporting

requirements are also tying their requirements to the Medicare Part D Specialty Drug Threshold, and they have done so in such a way that the threshold automatically adjusts when the Centers for Medicare and Medicaid Services update that threshold, without requiring any annual rulemaking by the state.

Thank you for your consideration,
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