



Prescription Drug Price Transparency Rulemaking Advisory Committee Charter

Title Prescription Drug Price Transparency Rulemaking Advisory Committee (HB 4005)

Authority

HB 4005 requires the Department of Consumer and Business Services' (DCBS) to take a variety of steps to enhance transparency in the pricing of prescription drugs, including new reporting requirements for prescription drug manufacturers and health insurers. DCBS is convening a workgroup to develop recommendations for rulemaking to implement these new requirements.

**Workgroup
Membership**

Anne Murray, Bristol-Myers-Squibb
Courtney Helstein, Coalition in support of HB 4005
Courtnei Dresser, Oregon Medical Association
Dan Torres, AFSCME
Eric Lohnes, PhRMA
Jennifer Baker, Cambia Health Solutions
Jim Gardner, PhRMA
Jon Bartholomew, AARP
LuGina Harper-Mendez, Prime Therapeutics
Mark Griffith, OSPIRG
Megan Lane, Providence Health Plan
Michele Belcher, Grants Pass Pharmacy
Paul Cosgrove, Healthcare Distribution Alliance
Robert Judge, Moda Health Plan
Rocky Dallum, Oregon Bioscience Association
Sadie Ellwood, Kaiser Permanente
Scott Barrie, Generic Pharmaceutical Association
Zach McCall, Legacy Health

As stated in the preamble to House Bill 4005, “the state has a substantial public interest in the price and cost of prescription drugs,” and “the Legislative Assembly intends by sections 2, 3 and 5 of this 2018 Act to provide notice and disclosure of information relating to the cost and pricing of prescription drugs in order to provide accountability for prescription drug pricing.” The purpose of the workgroup is to aid and advise DCBS in its efforts to enact the provisions of HB 4005 that are assigned to the Department, in keeping with the intent of the Legislature.

The workgroup will focus its efforts on rulemaking to facilitate the administration of Oregon’s new prescription drug pricing transparency statute, and will refrain from debating the merits of this law or any broader policy questions, which are outside the scope of its charge.

The prescription drug industry and the pharmaceutical supply chain are complex and involve a wide range of interests. Through the Task Force on the Fair Pricing of Prescription Drugs, established by Section 11 of HB 4005, Oregon policymakers and health care stakeholders are engaged in a separate effort to “develop a strategy to create transparency for drug prices across the entire supply chain of pharmaceutical products.” By focusing on implementing the existing statute, the workgroup will avoid duplication of effort and ensure that Legislative intent is faithfully carried out.

Purpose and Scope

The workgroup will provide feedback on key rulemaking considerations as DCBS works to develop specific language to implement the provisions of HB 4005. As part of this process, DCBS welcomes suggestions for rule language, as well as written feedback on any proposed language from the Department or other participating stakeholders. Key rulemaking considerations include:

- A definition of “new prescription drug” – Section 2(1)(f)
- Timeframes for DCBS requests for additional information and manufacturer responses – Section 2(7)(a)
- Any rules that may be necessary for carrying out the prescription drug manufacturer reporting requirements, potentially including:
 - Rules clarifying the required content of the reports and the Department’s expectations for reporting manufacturers.
 - Rules to specify the meaning of “timely,” “timely manner” and “inaccurate or incomplete” – Section 2(8).
- Establishing fees to be paid by manufacturers to pay the costs of the department in carrying out these reporting requirements – Section 2(12).
- Any rules that may be necessary to implement the health insurer reporting requirements in Section 5.

DCBS’s goal is to finalize rules by the end of 2018, to ensure that rules are in place well in advance of the first reports required by the law.

DCBS commits to engage in a public process to develop rules implementing HB 4005. All meetings will be open to the public and there will be ample opportunity for public comment before DCBS proposes and adopts administrative rules. Unless otherwise noted, committee meetings are scheduled for the following times and location:

Location: Conference Room 260 (second floor)
Labor & Industries Building
350 Winter St. NE
Salem, Oregon

Public Process and Timeline

Workgroup Meeting #1

Date: Tuesday, July 31

Time: 9:30 – 11:30 a.m.

Workgroup Meeting #2

Date: Tuesday, August 28

Time: 9:30 – 11:30 a.m.

Workgroup Meeting #3

Date: Tuesday, September 25

Time: 9:30 – 11:30 a.m.

Final Workgroup Meeting (#4)

Date: Monday, October 22

Time: 9:30 – 11:30 a.m.

Public Comment and Participation

Advisory committee meetings are open to the public. Due to time limitations and to ensure that public comments are correctly recorded, individuals are ***strongly encouraged*** to submit public comments in writing via email to

Jesse.E.O'Brien@oregon.gov

Live streaming is available at: <http://www.oregon.gov/DCBS/Pages/video-hearings.aspx> Agendas, meeting materials, updates and recordings are available at: <https://dfr.oregon.gov/community/committees-workgroups/Pages/prescription-price-transparency-rac.aspx>

Staff Resources

Jesse O'Brien, Senior Policy Analyst (Jesse.E.O'Brien@oregon.gov)

Karen Winkel, Rules Coordinator (Karen.J.Winkel@oregon.gov)

Richard Blackwell, Policy Manager (Richard.Y.Blackwell@oregon.gov)
