

**From:** Gary Holliday  
**Sent:** Friday, December 14, 2018 4:29 PM  
**To:** OBRIEN Jesse E \* DCBS; WINKEL Karen J \* DCBS; SOUCY Cassandra  
**Cc:** Gary Holliday  
**Subject:** HB 4005 RAC RFI

Jesse,

In response to your RFI of December 4 we are not able to directly respond to the three questions you presented. We do not receive rebate and price concession information for each drug from our pharmacy benefit manager.

Furthermore, we believe that the information that would be requested, as written in the proposed rules, would be problematic due to our contractual obligations with our pharmacy benefit manager. We do not receive rebate and price concession information at the drug level nor at the health plan level so that we could separate into the individual and small group rate filings. In light of this RFI we would recommend that the proposed rule 836-053-0473 (2)(l) be modified to remove the sentence "In determining this list, the insurer must consider total annual spending, including the net impact of any rebates or other price concessions if applicable" from (B) and (C). For (D) we would recommend the removal of "including the net impact of any rebates or other price concessions if applicable." The removal of the proposed language would better align the rules with that of the language of HB 4005 (2018) and removes any potential legal barriers an insurer may encounter with a pharmacy benefit manager in order to meet the reporting requirement.

Thank you.

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