

August 7, 2024

OIC Rules Coordinator
302 Sid Snyder Ave., SW, Suite 200
Olympia, WA 98501

Dear OIC Rules Coordinator,

We are writing to you on behalf of AIDS Healthcare Foundation (AHF) who serves and treats people living with AIDS or HIV regardless of ability to pay. We operate healthcare centers, pharmacies, and wellness centers in Washington state that serve our patient population.

We understand you have not begun the formal rulemaking process for Prepublication Draft for R 2024-02, Relating to Health Care Benefit Managers but have issued a draft for stakeholder consideration. Thank you for allowing us the opportunity to comment on these critical regulations. We are grateful that the agency is working to curb PBM abuses.

We offer one comment and one question:

1. Can language be added that any appeal findings that a PBM has reimbursed less than the pharmacy's cost apply to all similarly situated pharmacies? It is expensive and time consuming for some pharmacies to appeal. It would help greatly if the results of a successful appeal by one pharmacy can be shared with others by requiring the PBM to adjust reimbursements to all similarly situated pharmacies.
2. Can you confirm that the appeal process applies to both generics and brand name drugs – that is, can you confirm that a pharmacy can appeal either a sub-cost generic or brand drug reimbursement, as long as the pharmacy is paid less than the pharmacy's proven supplier cost?

Sincerely,



(Laura Boudreau
Chief of Operations/Risk Management and Quality Improvement

