

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

)	
PHARMACEUTICAL CARE)	
MANAGEMENT ASSOCIATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. CIV-19-977-SLP
)	
GLEN MULREADY,)	
in his official capacity as)	
Insurance Commissioner of Oklahoma, and the)	
OKLAHOMA INSURANCE DEPARTMENT,)	
)	
Defendants.)	
)	

STIPULATION

Plaintiff Pharmaceutical Care Management Association, Defendants Glen Mulready and the Oklahoma Insurance Department (collectively “Defendants”), by and through their respective attorneys of record agree and stipulate as follows:

1. Defendants agree to stay any and all inquiries, examinations, and other enforcement activities for alleged or suspected violations by the Plaintiff or any of its members, or their respective owners, shareholders, officers, directors, employees, agents and affiliates (collectively, “Members”¹) of the following provisions of the Patient’s

¹ PCMA’s members include the following PBMs: Abarca Health, CastiaRx, CerpassRx, CVS Health, Envolve Pharmacy Solutions, Express Scripts, Humana Pharmacy Solutions, IngenioRx, Integrated Prescription Management, Magellan Rx Management, Maxor Plus, MedImpact Healthcare Systems, MeridianRx, OptumRx, PerformRx, Prime Therapeutics, Serve You Rx, and WellDyneRx.

Right to Pharmacy Choice Act and its implementing regulations, pending a final order from this Court in the above captioned matter:²

- a. The Pharmacy Access Standards, 36 O.S. §6961(A);
- b. The Beneficiary Direction Provisions, 36 O.S. §6961(C) and 36 O.S. §6963(D);
- c. The Promotional Material Prohibition, 36 O.S. §6961(D), and the Promotional Materials Rule, OAC §365:25-29-7.1(a)(3);
- d. The Service Fee Prohibition, 36 O.S. §6962(B)(2);
- e. The Affiliated Pharmacy Reimbursement Provision, 36 O.S. §6962(B)(3);
- f. The Any Willing Provider Provision, 36 O.S. §6962(B)(4);
- g. The Pharmacy Termination Prohibition, 36 O.S. §6962(B)(5);
- h. The Claims Adjustment Prohibition, 36 O.S. §6962(B)(6);
- i. The Terminated Pharmacy Payment Provision, 36 O.S. §6962(B)(7);
- j. The Electronic Claim Inquiry Provision, 36 O.S. §6962(C)(3);
- k. The Health Insurer Monitoring Requirement, 36 O.S. §6963(A)-(B), and the Contract Approval Rule, OAC §365:25-29-9(c)(1);
- l. The Cost-Sharing Discount Prohibition, 36 O.S. §6963(E);
- m. The Formulary Requirement, 36 O.S. §6964(A); and

² For ease of reference, this Stipulation uses Plaintiff's defined terms as set forth in Paragraph 27 of the Complaint. (Dkt. 1). These terms are used without prejudice to the Defendants.

n. The Specialty Drugs Rule, OAC §365:25-29-7.1(a)(2).

2. Plaintiff, on behalf of its Members, agrees not to seek preliminary injunctive relief pending a final order from this Court in the above captioned matter.

WHEREFORE, the parties agree to enter into the foregoing stipulation.

Respectfully submitted,

PHARMACEUTICAL CARE
MANAGEMENT ASSOCIATION, INC.

By its attorneys,

Dated: November 5, 2019

/s/ Andrew M. London

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GLEN MULREADY, in his official
capacity as Insurance Commissioner of
Oklahoma, and the OKLAHOMA
INSURANCE DEPARTMENT,

By their attorneys,

/s/ Randall J. Yates
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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2019, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

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/s/ Andrew M. London
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