

Margaret Reynolds
State Government Affairs Principal

January 5, 2021

The Honorable Robin Weisz, Chair
Human Services Committee
North Dakota State Legislature
State Capitol
600 East Boulevard
Bismarck, ND 58505



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Dear Chairman Weisz and Committee Members:

Cigna is a national health insurance provider that has been on the front lines of providing patient access and coverage during the COVID-19 pandemic. Express Scripts is a pharmaceutical benefit manager (PBM) that cares for over 80 million lives in the United States. Together, Cigna and Express Scripts have created a new health services leader. The combined companies are increasing affordability, choice and predictability for our customers while enhancing quality care and producing better health outcomes.

We appreciate the ability to submit comments on HB1032 as the committee is considering it.

We believe that it is really imperative that the Insurance Commissioner, as the regulator, collect and aggregate the data requested by PBMs instead of the Board of Pharmacy. The Department of Insurance is the licensing and regulatory agency for PBMs per North Dakota Chapter 26.1-27.1. As such, the Department is well-situated to handle such competitive data. The highly sensitive and proprietary information is best collected by the enforcement agency and removes the conflict of interest presented by the Board of Pharmacy. We suggest striking "board" on page 4, line 13, and replacing it with "commissioner". With that change, section 3 on the top of page 5 should also reflect a change to the Commissioner. The language could read as follows:

(3) Within thirty days of receipt of a report under this section, the reported information shall be formatted for publication on the commissioner's website. The information provided may not disclose or tend to disclose proprietary or confidential information of any pharmacy benefit manager.

We have similar concerns with the section pertaining to health insurers. As the Commissioner is the regulator for this industry, we would suggest striking "board" on page 5, line 8, and inserting "commissioner". With that change, section 1 (b) on page 5 should also reflect the change to Commissioner. The language could read as follows:

(b) Within thirty days of receipt of a report under this section, the reported information shall be formatted for publication on the commissioner's website. The combined aggregated data from the reports must be provided in a manner that does not disclose or tend to disclose proprietary or confidential information of any health insurer.

Thank you very much for your consideration of our concerns. We look forward to working together.

Sincerely,

Margaret Reynolds, State Government Affairs Principal

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