

Health Coverage, Insurance and Financial Services Committee

RE: Support of LD 1450, An Act To Provide Fairness in Communications from Pharmacy Benefits Managers

Date: April 20, 2021

Dear Senator Sanborn, Representative Tepler and members of the Health Coverage and Financial Services Committee

Thank you for bringing this matter to the committee's attention and allowing me to address the concerns I have as a pharmacist, business owner and for the patients I server in this capacity.

First, let me introduce myself. My name is Steve Maki. I have been a pharmacist for 25 years. I am the owner of Spruce Mountain Pharmacy in Jay. When I opened Spruce Mountain Pharmacy in 2009, I wanted to practice pharmacy as a patient focused member of the health care team. I also wanted to be a community resource for pharmaceutical care. In my 25 years as a pharmacist, I have seen many changes in the practice of pharmacy and even more in the past 11 years as an owner of a pharmacy. The rise of the Pharmacy Benefit Managers (PBM's) has been a tipping point between providing pharmaceutical care for patients and payors trying to minimize cost and maximize profits. The changes I have seen range from reduced reimbursements, significant changes in the direct and indirect remuneration fees (DIR) charge back from the PBM to the pharmacy, claw backs, and aggressive audit practices, just to mention a few.

However, the most disturbing trend is the misrepresentation of Preferred vs nonpreferred network pharmacy being told to patients about where they can get their prescriptions filled. This is without a doubt a direct attack on a patient's right to choose where they get their prescriptions. I have seen the letters myself misleading the patients to believe they have to change pharmacies. I cannot count the number of patients who have come to me and my staff with letters in hand from their Insurance / PBM telling them Spruce Mountain Pharmacy is no longer a preferred pharmacy and they would have to transfer to a preferred pharmacy to continue to receive their prescriptions. I have had patients crying in my store because of these steering letters. I have had family members confused and frustrated with the letters from the Insurance/PBM trying to understand the process of what was going to happen if they needed to change pharmacies. I have to explain I can still fill their prescriptions but I am no longer the PBM's preferred pharmacy but I am still part of the pharmacy network. I have lost business, to no fault of my own, to competitors because of numerous letters sent to the patient intentionally misleading them to believe they could no longer utilize the services at Spruce Mountain Pharmacy. The patient's choice is being taken away by the steering letters and efforts of these companies. If the letters were not bad enough its now phone calls to my customers trying to steer them away from my pharmacy for the promise of lower co-pays, 90-day supplies or mail order service.

I am not asking for special treatment from LD1450. What I am asking for is a level playing field to provide pharmaceutical care for my customers / patients without the misleading or distorted steering letters being sent by the Insurance / PBM's. I truly believe this is a win for consumers and a win for pharmacies who wish to provide pharmaceutical care for our customers because they can fill their prescription at a pharmacy of their choosing.

Respectfully submitted,

Steve Maki, RPH – Spruce Mountain Pharmacy – Jay, Maine