



## For Immediate Release

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### **NASP Petitions SCOTUS to Reverse Lower Court Decision on Oklahoma Law and to Protect Specialty Pharmacies**

#### **State Protections are Essential to Support Specialty Pharmacies and Their Patients**

WASHINGTON, DC – The National Association of Specialty Pharmacy (NASP) [has filed a petition](#) before the U.S. Supreme Court, asking that the Court agree to support the rights of states to regulate Pharmacy Benefit Managers (PBMs). In 2023, the Tenth Circuit Court of Appeals ruled that the Employee Retirement Income Security Act (ERISA) and Medicare preempt a 2019 Oklahoma law that intended to protect network access to pharmacy providers.

“The Court’s decision in this case will impact the nationwide efforts by States to regulate the manner in which pharmacy benefit managers conduct themselves toward specialty pharmacies, which are serving the most vulnerable residents of such States. As a result, this case will substantially affect the day-to-day business of specialty pharmacies and their patients,” said NASP in its petition.

“An insured patient with a rare disease or chronic complex condition like cancer, multiple sclerosis, rheumatoid arthritis, or organ transplantation relies on the support of a specialty pharmacy that is independently accredited to provide the often daily patient monitoring and management to support therapy adherence and success; data reporting on patient outcomes; and support for complex insurance and financial authorizations. Too often these pharmacies experience egregious below-cost drug reimbursement and dispensing fees, and other anti-competitive terms that threaten their ability to remain in network, limiting patient access to their specialty pharmacy. More and more specialty pharmacies are being acquired when they cannot compete due to these actions and are no longer accessible to patients,” said Sheila Arquette, NASP President and CEO.

In the earlier case *Rutledge v. PCMA*, the Supreme Court rejected the argument that state regulations violate ERISA, instead upholding an Arkansas state law to regulate PBMs. The case before SCOTUS today is critically important to upholding state laws that have gone into effect since *Rutledge* and for protecting the rights of states going forward to act to protect pharmacy competition and patient access to the pharmacy of their choice.

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*NASP represents all specialty pharmacy industry stakeholders. Specialty pharmacies serve communities of patients who have complex health conditions like cancer, rheumatoid arthritis, multiple sclerosis, cystic fibrosis, hemophilia, organ transplantation and rare diseases. Specialty pharmacies are accredited by an independent, third party nationally recognized accreditation organization ensuring consistent quality of extensive drug management and clinical patient care services.*