

**191—59.10(507,510,510B) Commissioner examinations of pharmacy benefits managers.**

**59.10(1)** *Cooperation of pharmacy benefits managers with the commissioner.* A pharmacy benefits manager shall cooperate with the commissioner and comply with the commissioner's requests to aid with the commissioner's administration of Iowa Code chapters 507, 507B, 510, and 510B and this chapter, including cooperation and compliance with the commissioner in conducting an examination of a pharmacy benefits manager pursuant to Iowa Code chapter 507, and cooperation with the commissioner in conducting an investigation pursuant to Iowa Code chapter 507B.

**59.10(2)** *Maintenance of records.* A pharmacy benefits manager shall maintain the records necessary to demonstrate to the commissioner compliance with this chapter for the duration of any written agreement plus five years. A pharmacy benefits manager shall provide the commissioner easy accessibility to records for examination, audit and inspection to verify compliance with this chapter, including but not limited to all contracts and provider manuals governing pharmacies and pharmacy networks.

**59.10(3)** *Disclosure of payments received by the pharmacy benefits manager.*

*a.* The commissioner may request, and a pharmacy benefits manager shall disclose to the commissioner, the amount of all payments received by the pharmacy benefits manager, and the nature, type, and amounts of all other revenues that the pharmacy benefits manager receives.

*b.* For purposes of this subrule, "payments received by the pharmacy benefits manager" includes but is not limited to the aggregate amount of the following types of payments:

(1) A remuneration collected by the pharmacy benefits manager that is allocated to a third-party payor;

(2) An administrative fee collected from the manufacturer in consideration of an administrative service provided by the pharmacy benefits manager to the manufacturer; and

(3) Any other fee or amount collected by the pharmacy benefits manager from a manufacturer or other entity for a drug switch program, a formulary management program, a mail service pharmacy, educational support, data sales related to a covered person, or any other administrative function.

**59.10(4)** *Disclosure of pricing methodology used to pay a pharmacy.* The commissioner may require, and a pharmacy benefits manager shall submit to the commissioner, pursuant to Iowa Code section 510B.8A, information related to the pharmacy benefits manager's pricing methodology for maximum allowable cost or other pricing methodology used to pay a pharmacy.

**59.10(5)** *Confidentiality.* Information provided by a pharmacy benefits manager to the commissioner under this rule or under rule 191—59.8(510B) shall be deemed confidential under Iowa Code sections 22.7(2), 22.7(3), 22.7(6), 505.8(8), 505.8(9), 507.14, and 510B.10, as applicable.

[ARC 1466C, IAB 5/28/14, effective 7/2/14; ARC 2518C, IAB 4/27/16, effective 6/1/16; ARC 6739C, IAB 12/14/22, effective 1/1/23; ARC 6890C, IAB 2/8/23, effective 3/15/23]