Small Pharmacy Reimbursement Appeals

The appeals process

August 29, 2017
Agenda

- Introductions
  - Implementation of Legislation
- Small Pharmacy Reimbursement Appeal Unit - SPRA
- Small Pharmacy
  - The Resolution Center
- Pharmacy Benefit Manager
  - The Complaint Response System
- How to review your Order
- The Hearings Unit
- Consumer Tool
  - The Public View
- How to contact the OIC
Implementation of Legislation E5SSB5857

• Purpose of today’s meeting?
  • Implementing E5SSB5857, codified as RCW 19.340.100 and 284-180 WAC

• The new law and regulation provide small pharmacies and pharmacy benefit managers a judicial setting to have a dispute heard.

• First time OIC will be engaging in disputes that do not involve insurance company, broker, or insurance consumer.
Small Pharmacy Reimbursement Appeal Unit

SPRA Unit and Initial Appeal
What is SPRA?

- The Small Pharmacy Reimbursement Appeals Unit (SPRAU) is comprised of three full time employees and a Manager within the Office of the Insurance Commissioner (OIC).
- The unit has been authorized by the Legislature to accept and process appeals brought by small pharmacies to challenge Pharmacy Benefit Manager (PBM) decisions regarding multi-source generic drug reimbursement requests.
What appeals can we hear?

SPRAU can hear appeals that meet all the following requirements:

- Filed by small pharmacies that have up to fourteen (14) retail outlets located in the State of Washington
- For prescriptions that were filled in Washington state
- For prescriptions which were covered by a fully insured, non-ERISA prescription plan
  - (non-ERISA means a plan where an employer is not involved. The employee chooses the plan and the employer collects money).
  - Employee Retirement Income Security Act of 1974 (ERISA)
- For prescriptions of generic, multi-source drugs only
- After the small pharmacy has exhausted the reimbursement process through its Pharmacy Benefit Manager
- For which the pharmacy has been issued a denial or an unsatisfactory reimbursement
  - If a network pharmacy does not receive a PBM decision within 30 calendar days the appeal is deemed denied.
- That are submitted to the OIC within 30 days of the denial or unsatisfactory reimbursement
- For the cost of the drug only (The OIC cannot issue decisions that include the cost to dispense the drug)
What appeals can we hear?

• Filed by a person who has the authority, to file the appeal. This includes:
  1. Persons who are natural persons representing themselves;
  2. Attorneys at law duly qualified and entitled to practice before the highest court of record of any state other state, if attorneys licensed in Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by law;
  3. Public officials in their official capacity;
  4. A duly authorized director, officer, or full-time employee of an individual firm, association, partnership, or corporation;
  5. Partners, joint venturers or trustees representing their respective partnerships, joint ventures, or trusts; and
  6. Other persons designated by a person to whom the proceedings apply.
Before you begin your appeal

• Have all of your documents and information ready.
• The following documentation is required to constitute a complete appeal:
  1. A written petition (generated when you submit your appeal)
  2. All documents that were provided to and by the PBM as part of your request for reconsideration of the reimbursement
  3. Certification (signed by an officer or authorized representative of the pharmacy confirming the pharmacy has less than 15 retail outlets within the state of Washington under its corporate umbrella)
  4. Invoice
  5. MAC List (Maximum Allowable Cost List)
  6. PBM Determination (unless deemed denied)
  7. Other Appeal Support Documents
Before you begin your appeal

• Once the appeal is submitted, the OIC may make a decision at any time.
• A decision will be made based upon the documentation received.
• We will not consider further documentation that is received after the OIC issues an Order.
What to expect

• Once you have filed your appeal you will receive an email notification that your appeal has been received.
• You should receive notification by email that your appeal has been accepted for processing within a week of receipt.
  • Processing times are estimates and will vary based upon the number of appeals that are received.
• Once the appeal has been accepted, the Pharmacy Benefit Manager (PBM) will be notified and given an opportunity to respond.
• The OIC will review only the documentation provided.
  • Additional documentation may be requested in order to fully review your appeal.
  • If additional documentation is requested, you will have seven (7) days to provide the requested information to us. If no information is received within this timeframe, we will proceed without it.
Timeframes

• Appeals must be filed within 30 days of when you receive the PBM decision or the appeal is deemed denied.
• SPRA will issue an “initial order” within 30 days of when we receive the small pharmacy appeal request.
The Resolution Center (RC)

What is the RC?
• The Resolution Center is the on-line portal for small pharmacies to submit their “initial appeal” of a pharmacy benefit manager claim denial.

Who can use the RC?
• Any small pharmacy can register for a user account and submit an appeal through the portal.

How do I get to the RC?
• The RC may be accessed by visiting the Insurance Commissioner’s website. There are multiple ways to access the RC, including through the “Log in” button or the “Complaints & appeals” button.
The Resolution Center

Before a small pharmacy gets started:

• A pharmacy may only file 1 appeal per reimbursement claim (do not bundle claims)

• Determine in advance who will be notified about activity on an appeal
  • User accounts are registered by the email account you provide at the beginning of your appeal request
  • Correspondence regarding your appeal will be sent to this email
Who should receive OIC correspondence about this appeal?

Does this appeal meet these 4 requirements?
The Resolution Center
Please only list the physical location of the pharmacy.
The dispensing pharmacy must be located in Washington.
Here is where you will tell us about your mailing address.
I, Jennifer Kreidler, certify under the penalty of perjury under the law of the state of Washington that I am now and at all times herein mentioned, a citizen of the United States and over the age of eighteen years. On 06/02/2017 I cause to be filed and served the foregoing petition with attachments on the following people at their addresses listed below:

Washington PBM Inc.
123 Main Street
Los Angeles, CA 91101
United States

I agree to receive the decision from OIC by email.

* Yes  ○ No

[Agree & submit complaint]
You will receive an email confirming OIC has received your petition request.

The first time you file an appeal you will receive an email that includes your user id and temporary password. Subsequent appeals will be made from your user account.
You are not done yet. You need to complete the process.
Print your Original Appeal Details document to serve to the PBM
Complete your appeal request by uploading your documents.
The Resolution Center

Appeal 1471680

SUMMARY
Filer: Jennifer Kreitler
Pharmacy: JJ Pharmacy
Pharmacy Benefit Manager: Countryside

FILES
- CERTIFICATION
  Jun. 8, 2017
- MAC LIST
  Jun. 8, 2017
- INVOICE
  Jun. 8, 2017
- PBM DETERMINATION
  Jun. 8, 2017
- ORIGINAL APPEAL
  Jun. 8, 2017

Help
Need some help?
Email Us
Consumer hotline: 800-562-6900

Connect with us
- Email Us
- Consumer hotline: 800-562-6900

Laws & rules
- RCW (laws) & WAC (rules)
- Proposed rules
- Recently adopted rules
- Report fraud

About OIC
- What we do
- Newsroom
- About Mike Kreitler
- Accessibility
Change Password

Jennifer Kreitler

Please create a new password to continue. You either logged in using a temporary password or must strengthen your password due to changes in our security policy.

Password must be between 10 and 16 characters and contain at least three of the following: uppercase letters, lowercase letters, numbers, and special characters (excluding < and >). It cannot contain the user login name, first name or last name.

Current or Temporary Password

New Password

Confirm New Password

Change Password
Request another appeal.
The Resolution Center – Your Appeals

Resolution Center

Small Pharmacy Appeals

<table>
<thead>
<tr>
<th>Appeal</th>
<th>Submitted</th>
<th>Filer</th>
<th>Pharmacy</th>
<th>PBM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal 1471680</td>
<td>Jun. 8, 2017</td>
<td>Jennifer Kustra</td>
<td>JJ Pharmacy</td>
<td>Countryside</td>
</tr>
<tr>
<td>Appeal 1471677</td>
<td>Jun. 2, 2017</td>
<td>Jennifer Kustra</td>
<td>JJ Pharmacy Outlet 3</td>
<td>Big PBM</td>
</tr>
<tr>
<td>Appeal 1471676</td>
<td>Jun. 2, 2017</td>
<td>Jennifer Kustra</td>
<td>JJ Pharmacy Outlet 2</td>
<td>Care PBM</td>
</tr>
<tr>
<td>Appeal 1471675 (Closed 06/02/2017)</td>
<td>Jun. 2, 2017</td>
<td>Jennifer Kustra</td>
<td>JJ Smoove Pharmacy</td>
<td>AETNA HEALTH MANAGEMENT LLC</td>
</tr>
</tbody>
</table>

ACCOUNT SETTINGS
- Change Password
- Update Contact Information

Help
- Need some help?
  - Email Us
  - Consumer hotline: 800-582-6900

About OIC
- What we do
- Newsroom
- About Mike Kreider
- Accessibility

Laws & rules
- RCW (laws) & WAC (rules)
- Proposed rules
- Recently adopted rules
- Report fraud

Connect with us

Online Services UAT Version 26.2.0.0 Dated January 29, 2017
Copyright © 2015 - Washington State Office of the Insurance Commissioner

Manage your account
The Resolution Center

Update Information

What is your name?
First Name: Jennifer
Last Name: Kreitler

What email will be used?
Email address to track appeals and decisions:
jennifork@oic.wa.gov

Update

Online Services UIAT 17 Version 26.2.0.0 Dated: January 29, 2017
Copyright © 2015 - Washington State Office of the Insurance Commissioner
Change the filer name?
Closed appeals are viewable for 21 days.
The Resolution Center

Things to remember:
• File only when the small pharmacy has a complete appeal ready for hearing. The 30 day timeline starts when you submit.
• An incomplete appeal may be denied
  • If you receive a denial and you have others pending, consider correcting them A.S.A.P.
• A denied appeal may not be resubmitted.
• The appeal is viewable to the PBM and to the public upon submission.
• The small pharmacy filer will receive an email each time there is activity on your case.
• Personal Identifiable Information (PII) – SHB 1043 was signed May 5 and is effective July 2017. Please contact the SPRA unit for directions for filing PII.
• File one appeal at a time. You cannot copy or transfer fields.
Questions?
Pharmacy Benefit Manager

The Complaint Response System
The Complaint Response System (CRS)

What is the CRS?
• The CRS is the on-line portal for pharmacy benefit managers to receive notice from the OIC that it has received a request for an “initial appeal” of a small pharmacy claim denial.

Who can use the CRS?
• Pharmacy Benefit Managers will register a Primary user with the OIC. The OIC will issue user account credentials. The Primary user may add Secondary users.

How does a PBM get to the CRS?
• The CRS may be accessed by visiting the Insurance Commissioner’s website “Log In” at: https://www.insurance.wa.gov/log
The PBM Primary User will be notified by OIC when account is activated at the end of June 2017:

Dear Mr. Rocket:

Kremonta PBM (WAOIC# 501220) is now registered to review appeals submitted to the Washington State Office of Insurance Commissioner through our Complaint Response System (CRS).

To access (CRS):
- Go to Complaint Response System Login page
- To login, use the following User ID and temporary password (Note: password is case sensitive):
  
  User ID: CRSS501220
  Temporary Password: 3Ne7RaN43

You will receive an email each time a new appeal is submitted by a pharmacy against your company, as well as when new documents are available on an existing appeal.

If you have any questions or need assistance, please contact us at 1-800-562-6900 or SmallpharmacyappealsUAT@oic.wa.gov.

Thank you,

Small Pharmacy Reimbursement Appeals Unit
Washington State Office of Insurance Commissioner
The Complaint Response System
Complaint Response System

Manage your account
Complaint Response System

Secondary User

AETNA HEALTH MANAGEMENT LLC

As the primary contact, it is your responsibility to maintain the secondary user information.

Complaint Response System Secondary Users

No Secondary User found

Home
Complaint Response System

Secondary User

AETNA HEALTH MANAGEMENT LLC
WAOC#: 501154

As the primary contact, it is your responsibility to maintain the secondary user information.

Complaint Response System Secondary Users

<table>
<thead>
<tr>
<th>User ID</th>
<th>Name</th>
<th>Email</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPS501154-1</td>
<td>Smith, Alex</td>
<td><a href="mailto:devtv@hotmail.com">devtv@hotmail.com</a></td>
<td>Active</td>
</tr>
</tbody>
</table>

Add Secondary User

Add

Manage

Online Services UAT 17 Version 26.2.0.0 Dated: January 29, 2017
Copyright © 2010 – Washington State Office of the Insurance Commissioner
The Complaint Response System

Secondary User’s will be notified by OIC when Primary user activates their accounts or modifies their accounts:

Dear Alex Smith,

AETNA HEALTH MANAGEMENT LLC (WAIOC # 501154) has added you as a Secondary User for the Washington State Complaint Response System (CRS). You can now review appeals submitted to the Washington State Office of Insurance Commissioner through our Complaint Response System (CRS).

To access the Complaint Response System (CRS):

• Go to Complaint Response System Login page
• To login, use the following User ID and temporary password (Note: password is case sensitive):

  User ID: CRS501154-1
  Temporary Password: EP%@Nhr4Gn

You will receive an email each time a new appeal is submitted by a pharmacy against your company, as well as when new documents are available on an existing appeal.

If you have questions, please contact your company’s primary appeal contact, Joanne Smith at 360-444-5555 or jenniferk@oic.wa.gov.

Thank you,

Small Pharmacy Reimbursement Appeals Unit
Washington State Office of Insurance Commissioner
### Complaint Response System

#### Search for Open or Closed Appeals

- **Menu Options**
  - Change Password
  - Update Contact Info

#### Complaint Response System

**AETNA HEALTH MANAGEMENT LLC**

- **Search By Status**: Open
- **Find**

#### Export to Excel

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>Pharmacy Name</th>
<th>Open Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>187146</td>
<td>Another Pharm</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187144</td>
<td>Beb</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187146</td>
<td>Another Pharm 2</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187147</td>
<td>Beb</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187148</td>
<td>Sam</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187149</td>
<td>Something</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187151</td>
<td>B</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187152</td>
<td>Something</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187153</td>
<td>C</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187154</td>
<td>D</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187155</td>
<td>E</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187156</td>
<td>F</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187157</td>
<td>G</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187158</td>
<td>A</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187159</td>
<td>XYZ</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187160</td>
<td>A</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187161</td>
<td>G</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187164</td>
<td>Pharm 25</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187165</td>
<td>Pharm</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187166</td>
<td>Mo</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187167</td>
<td>Pharm 32</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187168</td>
<td>Beb</td>
<td>05/25/2017</td>
</tr>
<tr>
<td>187169</td>
<td>A</td>
<td>05/25/2017</td>
</tr>
</tbody>
</table>

1 - 25 of 27 records

- **First**
- **Prev**
- **1**
- **2**
- **Next**
- **Last**
Complaint Response System

Export List

[Image of a complaint response system interface showing an export list of records]

- Appeal Number
- Pharmacy Name
- Open Date

- 1871643
- Another Pharm
- 05/15/2017

- 1871644
- Bebs
- 05/15/2017

- 1871646
- Another Pharm 2
- 05/16/2017

- 1871647
- Beb
- 05/16/2017

- 1871648
- Sam
- 05/16/2017

- 1871649
- Something
- 05/15/2017

- 1871650
- B
- 05/15/2017

- 1871652
- Something
- 05/16/2017

- 1871653
- C
- 05/16/2017

- 1871654
- D
- 05/16/2017

- 1871655
- E
- 05/16/2017

- 1871656
- Beb
- 05/16/2017

- 1871657
- Cid
- 05/16/2017

- 1871658
- G
- 05/16/2017

- 1871659
- A
- 05/16/2017

- 1871660
- xx
- 05/15/2017

- 1871661
- XYZ
- 05/15/2017

- 1871662
- A
- 05/15/2017

- 1871663
- G
- 05/15/2017

- 1871664
- Pharm 25
- 05/15/2017

- 1871665
- Pharm
- 05/15/2017

- 1871666
- Mo
- 05/15/2017

- 1871667
- Pharm 32
- 05/15/2017

- 1871668
- Bebs
- 05/16/2017

- 1871671
- A
- 05/15/2017

1 - 25 of 27 records

[Legend: First Prev 1 2 Next Last]
The Complaint Response System

Add documents to the appeal
The Complaint Response System

Things to remember:

- PBM is required to complete and upload certification document identifying if the claim is for a fully insured non-ERISA plan.
- The PBM user will receive an email each time there is activity on your case.
- PBM may upload documents in response to an appeal.
- Personal Identifiable Information (PII) – SHB 1043 was signed May 5 and is effective July 2017. Please contact the SPRA unit for directions for filing PII.
The Complaint Response System

Questions?
How to review an Order
Orders

• An Order is a decision by the OIC stating the basis and legal authority for the decision.
• SPRA will notify you when an order has been issued.
• The email will include:
  • Order Number (for example 17-0001)
  • Link to Order website
The Hearings Unit

• If you disagree with the decision we make, you have the right to request a review by the OIC Hearings Unit.
• Either a small pharmacy or pharmacy benefit manager may request a Review of an Initial Order issued by the SPRA unit.
• The Request for Review form is located on the OIC’s “Complaint & Appeals” website.
• A Request for Review is a different process than filing for an Initial Appeal hearing. The Hearings Unit does not currently use either the Resolution Center or the Complaint Response System to request a Review.
Timeframes

• A Request for Review must be made within 21 days of receipt of our Initial Order.
• Information about how to Request a Review will be included in the Order on your appeal.
Consumer Tools

The Public View
Consumer Tools

ABC Pharmacy Benefit Manager

General Information

Name: ACME PBM
Corporate family group: N/A
Organization type: Third Party Administrator
Doing Business As (DBA): Acme PBM

Status: Active
Admitted date: 02/22/2017
Ownership type: OTHER

Contact Information

Registered address:
Mailing address:
Telephone:
Telephone:

Types of coverage authorized to sell

Insurance Types
Pharmacy Benefit Manager

Company complaint history

View complaints

Small pharmacy appeals
View appeals

Orders issued since 20:
No orders are found

Back to Search
Consumer Tools

ABC Pharmacy Benefit Manager
WAOIC: 4533 | NAIC:

Use this page to search for small pharmacy reimbursement appeals against Pharmacy Benefit Manager decisions. The Legislature authorized appeals beginning on or after 7/1/2017.

Small pharmacy appeal decisions against this company

<table>
<thead>
<tr>
<th>Appeal #</th>
<th>Pharmacy</th>
<th>Outcome</th>
<th>Closure Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>667824</td>
<td>Small Pharma</td>
<td></td>
<td></td>
</tr>
<tr>
<td>567824</td>
<td>Uber Pharma</td>
<td>Closed Upheld</td>
<td>07/06/2017</td>
</tr>
<tr>
<td>467824</td>
<td>Southern Drug</td>
<td>Dismissed</td>
<td>07/06/2017</td>
</tr>
<tr>
<td>367824</td>
<td>Southern Drug</td>
<td>Closed Denied</td>
<td>07/06/2017</td>
</tr>
</tbody>
</table>

1 - 4 of 4 records

View All
Consumer Tools

Appeal 445990

This page includes information about the initial appeal. Information regarding a request for review of this initial appeal is available by selecting the order number.

Appeal submitted by <Pharmacy Name> on <Case Open Date>.

<table>
<thead>
<tr>
<th>Order Number</th>
<th>Most Recent Issue Date</th>
<th>Order Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-0456</td>
<td>07/13/2017</td>
<td>Appeal upheld</td>
</tr>
<tr>
<td>Order not yet issued</td>
<td></td>
<td>Display if Order is not issued</td>
</tr>
</tbody>
</table>

Initial Appeal Outcome

<table>
<thead>
<tr>
<th>PBM Name</th>
<th>Outcome</th>
<th>Close Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABC PBM</td>
<td>Closed Denied</td>
<td>07/12/2017</td>
</tr>
<tr>
<td>Big Gh PBM (Unlicensed)</td>
<td>Dismissed</td>
<td>07/12/2017</td>
</tr>
</tbody>
</table>

Appeal Documents

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Date Uploaded</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAC List</td>
<td>07/12/2017</td>
</tr>
<tr>
<td>Invoice</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>Evidence</td>
<td>07/05/2017</td>
</tr>
<tr>
<td>OIC Correspondence</td>
<td>07/03/2017</td>
</tr>
<tr>
<td>Appeal Support Documents</td>
<td>07/02/2017</td>
</tr>
<tr>
<td>PBM Determination</td>
<td>07/02/2017</td>
</tr>
<tr>
<td>Original Appeal Detail</td>
<td>07/02/2017</td>
</tr>
</tbody>
</table>
Consumer Tools

- Initial Orders and Reviews will be available to the public for six (6) years.
- Initial Orders are linked to a PBM WAOIC #
Consumer Tools

Questions?
Questions about this presentation?

Jennifer Kreitler
Manager, Healthcare Consumer Access and Small Pharmacy Reimbursement Appeals
Smallpharmacyappeals@oic.wa.gov
360-725-7127

Connect with us!
• Facebook: https://www.facebook.com/WSOIC
• Twitter: https://twitter.com/WA_OIC
• www.insurance.wa.gov