

News

ERISA Preemption Reaffirmed: Tenth Circuit Limits State PBM Regulation

ATTORNEYS & PROFESSIONALS

Jon Breyfogle

jbreyfogle@groom.com

202-861-6641

Tamara Killion

tkillion@groom.com

202-861-6328

Matthew Lanahan

mlanahan@groom.com

202-861-6640

Seth Perretta

sperretta@groom.com

202-861-6335

Ryan C. Temme

rtemme@groom.com

202-861-6659

PUBLISHED

10/18/2023

SOURCE

Westlaw Today

SERVICES

Health Services

ERISA

On August 15, 2023, the Tenth Circuit issued its much-anticipated decision in *PCMA v. Mulready*, rejecting Oklahoma’s position that its pharmacy network requirements were not preempted by ERISA.[1] Mulready has been closely watched by plan sponsors, pharmacy benefit managers, health insurance issuers, and third-party administrators because its outcome touches on not only state regulation of pharmacy benefit managers but also preemption under the Employee Retirement Income Security Act (“ERISA”) more broadly.

In the *Westlaw Today* article, “ERISA Preemption Reaffirmed: Tenth Circuit Limits State PBM Regulation,” Groom principals [Jon Breyfogle](#), [Tamara Killion](#), [Seth Perretta](#), and [Ryan Temme](#), and associate [Matthew Lanahan](#), discuss the 10th U.S. Circuit Court of Appeals’ ruling that the Employee Retirement Income Security Act preempts an Oklahoma state law establishing pharmacy network restrictions and explore what could come next.

To read the article, [click here](#).