

## News

# ERISA Preemption Reaffirmed: Tenth Circuit Limits State PBM Regulation

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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](#).