

News

Temme Covers 10th Circuit PBM Ruling with Law360

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Groom principal [Ryan Temme](#) was featured by *Law360* in their article, “10th Circ.’s Okla. PBM Ruling Could Curtail State Regulation,” where he discussed a decision by the 10th Circuit Court, which indicated that some provisions in an Oklahoma state statute that regulate pharmacy benefit managers are preempted by ERISA.

When asked about the decision, Temme said, “I think it was important that the [Tenth Circuit] analyzed the facts in detail, and then really re-grounding the preemption analysis into the ‘connection with’ prong of preemption, and focusing on the fact that you can indirectly regulate a plan by regulating a plan service provider.”

According to *Law360*, Ryan said that he “thought it was important for the court to draw out ‘some of the unique fact patterns that arise in the pharmacy benefits side as opposed to the medical benefits side.’”

He went on to say, “Because some of the relationships, it’s not just the regulation of the PBM — there is a direct impact on the plan, the underlying ERISA plan.”

When asked about states in similar situations, *Law 360* reported that Temme “said there were a ‘good number’ of state laws that contemplate restrictions similar to Oklahoma’s, pointing to Florida’s PBM laws as a particularly broad example.”

“There are components in the Florida law that look like the Oklahoma law, but then there are also significant additional state law provisions that would do things like prohibit spread pricing and that sort of thing,” Temme said.

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