



Janet T. Mills
Governor

STATE OF MAINE
Maine Prescription Drug Affordability Board
11 State House Station
Augusta, ME 04333

Kelsie Snow, PharmD
Chair

Maine Prescription Drug Affordability Board
Monday October 7th, 2024 @ 10:30 am
Microsoft TEAMS Meeting
In Person Location: 109 Capitol St, Augusta Maine, 04330

Board Members in Attendance: Peter Hayes, Dr. Noah Nesin, Jennifer Reck, Dr. Kelsie Snow, Sharon Treat, and Dr. Susan Wehry.
(Total = 6)

Board Members Absent: Dr. Julia Redding, Rhonda Selvin
Vacant Seat(s): 0

Others Present:

Advisory Council: Shonna Poulin-Gutierrez, Kristy Gould, Jennifer Kent, Jenny Boyden, Jonathan French.

OAHC: Meg Garratt-Reed and Katie Senechal

All Others: Mary Kate Barnauskas, Amelia Arnold, Olivia Backhaus, Paula Witt, Cameron Behn, Kelly Ryan, Mark Gallagher, Amelia Allert, Cody Austin, Shuri Senbanjo, Darci Greenarce, Daniel Vigil, Cole Wyrrough, Kristine Ossenfort, Kevin Bourque, Ben Pearlman, Jacqueline Zeledon, Helen Fitzpatrick, Annabelle Gillespie, Bren Moreno, Marisa Rodriguez, Amanda Attiya, Keisha Vaughan, Amy Downing, Patrick McGarry, Rachel Cottle Latham, Timothy McSherry, Tiffany Westrich-Robertson, Zachary Friend, unidentified participant representing Artia Solutions.

Agenda Item:	Discussion:	Action/Next Steps:
I. Call to Order	Kelsie Snow called the meeting to order	
II. Introductions	Board and Advisory Council members were introduced.	
III. Approval of the Minutes (July 22nd, 2024)	There were no changes to the minutes discussed	Peter Hayes made a motion to approve, Susan Wehry seconded the motion. The minutes were unanimously approved.
IV. Administrative Update	<p>1. Questions for public payors The Board discussed edits to the questionnaire for public payors that were circulated before the meeting.</p> <p>Meg Garratt-Reed provided an overview – there were no changes to the questions discussed last meeting but additions to the questions. Jennifer Reck recommended adding a question about procurement timelines, Sharon Treat recommended adding a question about impact of cost on</p>	<ul style="list-style-type: none"> Add length of contracts to the questions



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members, and Peter Hayes requested to add a question about compliance with new federal fiduciary duty law. Looking to discuss any final feedback and aim to finalize questions in the next month.

Peter Hayes asked how much time it will take the public payors to fill out these questions and what is the purpose of collecting this information?

Meg Garratt-Reed responded that the purpose is to gather more of the on-the-ground tangible experience to help inform the Board's work and recommendations. Is there feedback from Advisory Council members on the level of effort required?

Kristy Gould asked that the Board please take into consideration that this is rate review and open enrollment time in considering timeline for finalizing these questions.

Meg Garratt-Reed asked if there is a better time of year to target that might make it easier?

Kristy Gould responded that while the plans have different fiscal years, the fourth quarter is generally the hardest time of year for purchasers. More time would be helpful.

Susan Wehry asked if the group is envisioning this as an electronic survey to capture the information and summarize it? Will this be an electronic survey with check boxes and have options for comment?

Meg Garratt-Reed responded that it would be difficult to fit these questions into multiple choice since many have a wide range of answers (e.g. when does your organization re-procure?). I was envisioning more of short answer, but could certainly use a survey format. Since there are very few respondents it will be easy to collate and summarize responses.

Susan Wehry narrative time takes more effort and time. Survey response goes down as complexity of survey goes up. If there is any way to make this survey less complex it may get a better response rate. Additionally, knowing frequency/length of contracts would be helpful.



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Meg Garratt-Reed responded that language can be added in. In her experience those contracts are more likely 3-5 years. But can edit the question to ask for more feedback on that front. Would there be any objection to pushing back the timeline and requesting feedback in the new year, in light of Kristy's feedback?

Kelsie Snowe replied think that sounds good and will lead into the other topics that will be considered in the rest of the year.

2. Review of draft legislative language

Kelsie Snowe suggested moving on to review the draft for the proposed legislation.

Sharon Treat explained that she had begun the process by making updates to the LD 1829 amendment that the Board had discussed in the last legislative session. Also reviewed some language from Vermont that could be a good model.

Peter Hayes had questions on the highlighted and omitted parts on item #10 which focused on establishing the spending targets. Curious why that language was removed?

Sharon Treat responded that there may be an error, and that should be added back in. The purpose is to remove language that made the setting of targets being the only thing that the Board does.

Peter Hayes stated I am OK with broadening the authority but would want to keep the spending targets as the heart and soul of what this body is supposed to do. I think it should be woven back in somewhere.

Sharon Treat clarified this language is specific to the Advisory Council, not the Board. But since the Advisory Council is mostly public payers, perhaps this language should remain. Agree on reworking the document to keep establishing annual spending targets and the Advisory Council can advise on that. As a reminder this set of changes is based off of the amendment considered by the legislature



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Peter Hayes noted that the language goes from a pretty specific deliverable to vague strategies.

Sharon Treat raised that this is what the Board agreed to and the committee voted in favor of. There is nothing really new here, some of the language is clarified. This is based on what the committee did, which is based on what was given to the committee last session.

Susan Wehry said I think this does reflect the work of the board last year, the PDAB, on trying to have a larger role, a more robust role, in trying to curb prescription drug costs. Board did initially have a very specific charge, but also very narrow. Finding this language very reflective of what was given to the committee. Question is if we put the language of establishing spending targets back in, would be lose the support of the committee? I would like to support their write up but add back in spending targets.

Sharon responded that it likely was not related to their support. This is going to be the Board's bill and we should put in what we want. I do not think adding spending targets back in would be an issue at all. If we do add this back in, we should think about dates for the spending targets and when those ought to be produced in the whole scheme of things.

Peter Hayes responded I am OK with taking this and adding back in spending targets. The other question I had was the highlighted language in section two, the language about implementing referenced-based pricing.

Sharon Treat responded this was language that Jennifer Reck suggested during the working group meeting. Challenge is coming up with something that's so directive and requires everything to be done quickly. Looking to require a report that is specific enough that it covers these topics we have been discussing. The prior bill actually mandated that the PDAB move forward with setting upper payment limits, this language that instead requires the PDAB to take a careful look at what upper payment limits would mean.

Sharon Treat further pointed out to the section that additional language added to the draft that refers to considering PBM regulation and made



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some clarifications to ensure it is clear that the Board would not regulate insurance. Also included some language inspired by Vermont's bill. This language was trying to come up with sufficient detail that would look into best strategies and what legislation would need to be done. This language tries to get the planning function sufficiently specific to lead to action.

Peter Hayes asked under section B, is that the date in Vermont's bill or what we would propose?

Sharon Treat responded that these are dates she picked. In light of the timeline for passage of the legislation, sufficient time will be needed to complete an in-depth study.

Jennifer Reck shared that she thinks this draft is clear and likes the idea of having a framework and plan. No specific comments, other than I think it is clear and I support it. The Vermont version of the language seems more actionable. Other states are taking this approach to having a better plan to assess how they would actually implement upper payment limits.

Jennifer Reck then made a motion to agree to move forward with this approach.

Sharon Treat request an adjustment to have the motion back in to adding the targets as one of the strategies to access the spending targets and dates/timeline.

Jennifer Reck responded that she would be in favor of including it to the other strategies to access without giving it any priority.

Peter Hayes agreed the Board should continue to report out on spending targets as a valuable tool. Should assume spending targets are in our charge and move forward to continue using it. The data should still be available.

Jennifer Reck agreed she is comfortable with the way the language is as written.



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Peter Hayes agreed the approach makes sense. Would just hate to abandon original charge, but thinks the Board should leave it in the annual report until something happens to suggest the Board stop using it.

Sharon Treat asked if there was any more specificity that should be included in #6 under 1A to help support Peter's thinking?

Peter Hayes I think the piece in there that is important is the methodology by which we developed that spending target which is specified in that language that is crossed out. Then applying that to what it would mean for plans, that is one thing that we can continue to produce and share to drive strategies.

Jennifer Reck said she is comfortable with the language that is there, but want to strike a balance with not wanting to get too specific.

Kelsie Snowe also OK with having this as internal methodology but not necessarily having it in the law.

Peter Hayes responded he is comfortable with not having it specified here, but we spent so long putting the methodology together, I would hope that we do not have to start over.

Noah Nesen agreed with what Jennifer stated and would prefer to avoid using specific methodology in the law.

Peter Hayes raised that he is concerned with how PBMs may use this vagueness as a tactic to avoid accountability.

Noah Nesen raised that flexibility in the law may be more effective in responding to those sorts of tactics.

Peter Hayes deferred to the group on the decision.

Sharon Treat proposed adding in ability to collect confidential data. Will need ability to put protocols in place to keep that data confidential.

Jennifer Reck agreed.

- **All members voted to approve moving forward with draft bill**
- **A revised draft of the language will be circulated to the Advisory Council and discussed at the next meeting.**



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	<p>Jonathan French asked about the timing around implementing state employee health plan reference-based pricing.</p> <p>Jennifer Reck responded there would be a long timeline on that. There would be a preliminary plan submitted in January 2026. There is a lengthy launchpad for that work.</p> <p>Shonna Poulin-Gutierrez shared some concerns. The timeframe is a concern and considerations for the state employee health plan’s transparent PBM and the change in vendors over the last year. I can follow-up with you Meg.</p> <p>Meg Garratt-Reed stated her understanding that the bill language requires a study and analysis of savings that may be realized under a reference-based pricing model for public purchasers. Not implementation of the model.</p> <p>Shonna Poulin-Gutierrez noted it may be helpful to understand the relationship with MHDO because there is a file feed to them as well.</p> <p>Kelsie Snowe stated a reasonable next step would be to create a new draft for Advisory Council members to review.</p> <p>Sharon Treat agreed this was reasonable but the group should vote on this draft in order to move forward with working with legislators.</p> <p>Jennifer Reck suggested the group approve this draft as a working draft. Made a motion to accept this current version as draft legislation to include the intent that this is a working draft awaiting further input from the Advisory Council.</p> <p>Peter Hayes seconded.</p> <p>Rollcall – all Board members present voted yes.</p>	<ul style="list-style-type: none"> • Meg Garratt-Reed will provide a summary of the written comment and spoken testimony from the Office of Affordable Health Care annual public hearing to review pertinent material with PDAB.
VII. Open Discussion	Meg Garratt-Reed briefly highlighted that the Office of Affordable Health Care held a hearing the prior week and there were some comments	



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	related to drug prices. Will bring back the summary of the consumer and written comment that relates to the work of the PDAB.	
VIII. Adjourn	Peter Hayes requested a motion to adjourn and Jennifer Reck seconded. The meeting was adjourned.	

Next meeting: November 25, 2024