

March 20, 2025

The Honorable Fabian Donate  
Chair, Senate Committee on Health and Human Services  
Legislative Building  
401 S. Carson Street  
Carson City, NV 89701

**RE: Strong Support for SB 149 – Prescription Drug Pricing Transparency (PBM Reform)**

Dear Chair Donate, Vice Chair Taylor, and Members of the Senate Committee on Health and Human Services:

I am writing on behalf of the National Community Pharmacists Association (NCPA) in support of SB 149, legislation that would provide transparency for patients and State payers regarding their prescription drug benefits programs, and establish sustainable oversight of the pharmacy benefit managers (PBMs) that administer those benefits.

NCPA represents the interest of America's community pharmacists, including the owners of more than 19,400 independent community pharmacies across the United States and approximately 83 independent community pharmacies in Nevada. These pharmacies employed nearly 900 residents, and they filled almost 5 million prescriptions in 2023.

Community pharmacists have long known that opaque PBM practices not only hamper patients' ability to obtain pharmacy services from their trusted community pharmacists, but those practices can also lead to higher drug costs for both patients and plan sponsors. Due to the massive consolidation and vertical integration in the health insurance market<sup>1</sup>, the three largest PBM's control 80% of the prescription drug market<sup>2</sup> giving them the power to engage in abusive practices which limit patient access, increase drug costs and threaten the viability of small business pharmacies.

With this ominous backdrop, SB 149 proposes a Single PBM to administer its Medicaid Managed Care program. You may know that Kentucky, Louisiana, Mississippi, and Ohio have implemented the Single PBM model in their Medicaid programs. Despite claims by opponents that a Single PBM would increase costs in Kentucky, the Commonwealth actually realized \$282 million over two years.

SB 149's ban prohibition of spread pricing will improve transparency and save the state's Medicaid program money. Spread pricing can end up costing state Medicaid programs millions of dollars in

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<sup>1</sup><https://ncpa.org/sites/default/files/2023-01/verical-bus-chart.jpg>

<sup>2</sup>[Drug Channels: The Top Pharmacy Benefit Managers of 2021: The Big Get Even Bigger](#)

overcharges, as officials in Ohio, Kentucky, and other states have found after investigating the PBMs serving state-funded benefit plans.<sup>3</sup> This critical transparency provision will ensure payers' and patients' health care dollars are actually going towards their care, instead of into PBMs' pockets.

Not only would a Single PBM save money for the State, it would enable more efficient and effective oversight of PBM business practices, ensuring patient access to pharmacy services and a more stable pharmacy ecosystem. SB 149 is prudent to consider oversight and enforcement. Violations could result in fines of \$25,000 per day. While NCPA supports violations assessed per claim in violation, NCPA believes this is a good start to broader oversight and enforcement scheme. For your future consideration, NCPA offers its Best Practices for Enforcement of PBM Regulation as a resource to stakeholders in Nevada.<sup>4</sup>

Thank you for receiving our perspective. We urge you to advance this critical legislation. We wish to thank Senator Jeff Stone for his primary sponsorship of the bill. If you have any questions, please do not hesitate to contact me at (703) 600-1186 or joel.kurzman@ncpa.org.

Sincerely,



Joel Kurzman  
Director, State Government Affairs

Cc:

- [Fabian Doñate](#) - Chair
- [Angela D. Taylor](#) - Vice Chair
- [Roberta Lange](#)
- [Robin L. Titus](#)
- [Jeff Stone](#)

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<sup>3</sup>Auditor of State of Ohio, *Auditor's Report: Pharmacy Benefit Managers Take Fees of 31% on Generic Drugs Worth \$208M in One-Year Period*, (Aug. 16, 2018) <https://ohioauditor.gov/news/pressreleases/Details/5042>. Kentucky Department for Medicaid Services, *Medicaid Pharmacy Pricing: Opening the Black Box* 5, 8 (Feb. 19, 2019), [https://chfs.ky.gov/agencies/ohda/Documents1/CHFS\\_Medicaid\\_Pharmacy\\_Pricing.pdf](https://chfs.ky.gov/agencies/ohda/Documents1/CHFS_Medicaid_Pharmacy_Pricing.pdf).

<sup>4</sup> <https://ncpa.org/sites/default/files/2024-07/ncpa-best-practices-pbm-enforcement.pdf>