



April 21, 2022

National Association of Insurance Commissioners (NAIC)  
Employee Retirement Income Security Act (ERISA) (B) Working Group  
444 North Capitol Street NW, Suite 700  
Washington, DC 20001

**RE: NAIC SUMMARY OF RUTLEDGE v. PHARMACEUTICAL CARE MANAGEMENT ASS'N,  
141 S.Ct. 474 (2020)**

**Dear NAIC Working Group Members:**

On behalf of the Alliance for Transparent and Affordable Prescriptions (ATAP), a coalition of twenty-five patient and provider groups, I am writing in response to the NAIC ERISA working group's request for comments on the draft summary of the *Rutledge v. PCMA* Supreme Court opinion.

ATAP authored and submitted an *amicus* brief ([access ATAP brief](#)) in support of Rutledge. The brief focused on the business tactics of pharmacy benefit managers (PBMs) outside of the pharmacy industry, including price concessions, formulary design, utilization management, and other harmful policies. Our intention was to provide the Court with the full picture of the impact PBMs have on the entire drug supply chain, including patients.

We support the summary draft that is open for comment. ATAP appreciates NAIC for including the summary in the insurance commissioner handbook and encourages the members of the working group to use our organization as a resource for any issues in relation to drug pricing access and affordability.

Respectfully,

Robert W. Levin, MD  
President  
Alliance for Transparent and Affordable Prescriptions (ATAP)