

BEFORE ALLAN L. MCVEY, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In the Matter of:

TRUESCRIPTS MANAGEMENT SERVICES, LLC

Administrative Proceeding No. 23-IC-02204

CONSENT ORDER

In lieu of proceeding with an administrative hearing in this matter, the parties hereto have reached a resolution of the matter regarding TrueScripts Management Services, LLC (“TrueScripts”) doing business in West Virginia as a Pharmacy Benefit Manager (“PBM”) without a license. TrueScripts understands and agrees that by agreeing to the entry of this Consent Order it waives all rights to an administrative hearing and to judicial review of this matter. Further, TrueScripts understands and agrees that by agreeing to the entry of this Consent Order it also agrees to the administrative action as is reflected in the Consent Order. Finally, the Insurance Commissioner for the State of West Virginia (“Commissioner”) believes the entry of this Consent Order is appropriate and in the public interest.

JURISDICTION

TrueScripts is a PBM currently doing business in the State of West Virginia and the Commissioner/West Virginia Offices of the Insurance Commissioner (“WVOIC”) has jurisdiction over the subject matter of this action and over TrueScripts pursuant to W.Va. Code §33-51-1, *et seq.*

W.Va. Code § 33-51-8(a) (2022) states, in part, “A person or organization may not establish or operate as a pharmacy benefits manager in the state of West Virginia without first obtaining a license from the Insurance Commissioner pursuant to this section....”

In addition, W.Va. Code R. § 114-99-8.3 states:

With respect to any person or entity operating in this state as a PBM without a license, the Commissioner may do one or both of the following: ...

8.3.2. After notice and hearing in accordance with W. Va. Code §33-2-13, assess restitution in an amount sufficient to reimburse any person adversely affected by the operation of the unlicensed PBM and, in addition to or in lieu of restitution, impose a fine in a sum not to exceed \$20,000 for each unauthorized act....

EFFECT ON THIRD PARTIES

This Consent Order does not vest standing in any third party with respect to the terms hereof, nor create for any person, other than the Commissioner, a right to enforce its terms.

ALLEGED FACTS

The Commissioner received information that TrueScripts was operating in West Virginia without the necessary PBM license in violation of W.Va. Code § 33-51-1, *et seq.* TrueScripts acknowledges that it has been operating in West Virginia as a PBM without the required PBM license since January, 2023. TrueScripts applied for a PBM license in West Virginia on or about July 28, 2023 and its application is being reviewed by the WVOIC.

AGREED ACTION

By agreeing to and executing this Consent Order, TrueScripts agrees to and requests the entry of this Consent Order. TrueScripts acknowledges that the Commissioner could prevail at a hearing against TrueScripts resulting in a civil penalty not to exceed Twenty Thousand Dollars (\$20,000.00) for each unauthorized act it performed while it did not have a PBM license. The facts, as stated above, demonstrate numerous violations of West Virginia law.

To avoid the delay, uncertainty, inconvenience, and expense of protracted litigation in this matter, TrueScripts consents and agrees to the imposition of and payment to the Commissioner of an administrative fine in the amount of Twenty-Seven Thousand Dollars (\$27,000.00), to be paid within 30 days of the entry of this Order.

FINAL DISPOSITION

This Consent Order constitutes the final disposition and entire agreement between the parties relating to the matter herein, except for any enforcement actions with respect to the failure to pay the administrative fine under this Consent Order as may be necessary, of Administrative Proceeding No. 23-IC-02204.

MISCELLANEOUS PROVISIONS


Jurisdiction of this matter is retained by the Commissioner for enforcement of this Consent Order. Any party hereto may apply to the Commissioner for such further orders and directions as may be necessary or appropriate with respect to the construction and enforcement of this Consent Order. The remedies in this Consent Order are cumulative and in addition to any other remedies the Commissioner may have at law or equity. Subject to TrueScripts' full payment of the agreed upon administrative fine, the Commissioner releases TrueScripts from any further enforcement actions against TrueScripts based on the facts as described in this Order. However, nothing herein shall be construed to prevent the Commissioner from taking any action for conduct not addressed in this Consent Order.

TrueScripts understands that this Consent Order will be reported to the database maintained by the National Association of Insurance Commissioners (NAIC) and otherwise be made public in accordance with law.


ORDER

Inasmuch as the Commissioner finds and concludes, based upon the foregoing, that TrueScripts was not in compliance with W.Va. Code § 33-51-8(a) and W.Va. Code R. § 114-99-8.3, it is **ORDERED** that a civil penalty in the amount of Twenty-Seven Thousand Dollars (\$27,000.00) be, and the same is, hereby, assessed against TrueScripts, and that such civil penalty shall be paid within 30 days of the entry of this Consent Order.

ENTERED on this 8th day of August 2023.


Allan L. McVey
CPCU, ARM, AAI, AAM, AIS
Insurance Commissioner

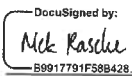
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TRUESCRIPTS MANAGEMENT SERVICES, LLC:

By: Nick Rasche
Print Name

Title: CFO

Signature: 
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Date: 8/5/2023