



WEST VIRGINIA INSURANCE BULLETIN No. 22-08

Insurance Bulletins are issued when the Commissioner renders formal opinions, guidance or expectations on matters or issues, explains how new statutes or rules will be implemented or applied, or advises of interpretation or application of existing statutes or rules.

► Fees for Pharmacy Benefit Managers and Pharmacy Auditing Entities ◀

This Insurance Bulletin is intended to set forth fees for Pharmacy Auditing Entities and Pharmacy Benefit Managers (PBMs) as required by W.Va. Code §§33-51-7(b), 33-51-8(b) and W. Va. Code of St. R. §§ 114-99-3.2.4. and 114-99-4.2.4

W.Va. Code §33-51-7(b) provides that the Offices of the Insurance Commissioner (“OIC”) shall determine the amount of the initial application registration fee and the renewal application registration fee for Pharmacy Auditing Entities. It further provides that an initial fee is nonrefundable, but that a renewal fee shall be returned if the renewal is not granted. The amount of the fees must be sufficient to fund the OIC’s duties in relation to Pharmacy Auditing Entities, but a single fee may not exceed \$1,000. The term of registration is two (2) years. W.Va. Code §33-51-8(b) provides that the OIC shall determine the amount of the initial application licensure fee and the renewal application licensure fee for PBMs. It further provides that an initial fee is nonrefundable, but that a renewal fee shall be returned if the renewal is not granted. The amount of the fees must be sufficient to fund the OIC’s duties in relation to PBMs, but a single fee may not exceed \$10,000. The term of licensure is two (2) years.

Pursuant to W. Va. Code of St. R. §§ 114-99-3.2.4. and 114-99-4.2.4., the OIC must annually, on or before July 1, set fees for Pharmacy Auditing Entities and PBMs via Notice or Bulletin.

Effective July 1, 2022, the initial application registration fee for Pharmacy Auditing Entities is **\$500**. The renewal application registration fee for Pharmacy Auditing Entities is **\$500**. The fees are for a two-year license. The initial application licensure fee for PBMs is **\$5,000**. The renewal application licensure fee for PBMs is **\$5,000**. The fees are for a two-year license.

The increase in fees for PBMs is due to the increase in regulatory responsibilities assigned to the OIC through recent legislation. As noted in statute, the fee must be sufficient to fund the OIC’s duties regarding PBMs. The PBM fee set by the OIC is still set at only half of the statutory maximum of \$10,000.

Please e-mail any questions concerning this Insurance Bulletin to OICBulletins@wv.gov.

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