

## AG Fitch and Bipartisan Coalition of AGs Support Rule to Hold PBMs Accountable



PBMs have taken from the health care economy for far too long without giving back. It is past time that there is accountability and an increase in transparency. I am proud to join my colleagues as we stand with consumers and community health providers to prevent PBMs from taking advantage of Mississippians.

*Lynn Fitch*

**(Jackson, Mississippi)** Today, Attorney General Lynn Fitch joined a bipartisan coalition of 45 attorneys general in submitting a comment letter supporting a [proposed U.S. Department of Labor \(Department\) rule](#) that would require greater transparency from pharmacy benefit managers (PBMs) that service employer-funded health plans covered under the Employee Retirement Income Security Act of 1974 (ERISA).

“PBMs have taken from the health care economy for far too long without giving back,” **said Attorney General Lynn Fitch.** “It is past time that there is accountability and an increase in transparency. I am proud to join my colleagues as we stand with consumers and community health providers to prevent PBMs from taking advantage of Mississippians.”

Approximately 136 million Americans receive health coverage through an employer — either their own job or a family member’s — and the proposed rule responds to concerns that employers often lack visibility into how PBMs are making money or why drug costs change. It would require PBMs to disclose twice a year how they generate revenue and would give employers the right to audit them. PBMs have also long sought to avoid state regulation by claiming federal preemption under ERISA. The attorneys general urge the Department to clarify that the proposed rule does not preempt state PBM transparency laws.

In the letter, the attorneys general ask the Department to further clarify that it supports working with them to enforce the rule. The AGs suggest language explicitly recognizing, “that state attorneys general play an important role in overseeing pharmacy benefit manager practices under applicable state law. Nothing in this rule is intended to preclude the Department from consulting, coordinating, sharing information as permitted by law, or referring matters to state attorneys general where the Department determines that state laws may be violated or that such cooperation would promote effective oversight and enforcement. Nor is this rule intended to displace or limit otherwise applicable, non-preempted state-law authority.”

Today, the top three PBMs manage approximately 80% of prescription drug claims. Due to the power imbalance held by PBMs and the negative effects of such power on drug pricing, all fifty states, the District of Columbia, and Puerto Rico have enacted laws to rein them in. Attorney General Fitch has long worked to hold PBMs accountable for the role they play in inflating health care costs. For example, the \$55.5-

million settlement she negotiated in 2021 with [Centene](#), required it to “provide full transparency related to the adjudication and payment of all pharmacy benefit claims.” That same year, she filed suit against the three largest PBMS for their role in the [Insulin Pricing Scheme](#) that has driven up the price of insulin by over 1,000 percent, even as the cost to produce it has actually decreased. In 2024, AG Fitch sued the PBMs for their role in the [opioid epidemic](#). Just last year, she sued to enforce Mississippi law to give [community pharmacists](#) back leverage in negotiating drug reimbursement costs.

In submitting today’s comment letter, Attorney General Fitch joins the attorneys general of Alaska, American Samoa, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wyoming.

You can read the letter [here](#).

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**Media Contacts**

MaryAsa Lee

[MaryAsa.Lee@ago.ms.gov](mailto:MaryAsa.Lee@ago.ms.gov)



MS Attorney General's Office | 550 High Street Suite 1200 | Jackson, MS 39201 US

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