
not have taken into account the significant changes that have occurred in the market since 2005.”²

Since Commissioner Brill expressed her concerns in 2014, the competitively troubling changes in the PBM market have increased significantly. To name a few, vertical integration and horizontal concentration among payers, PBMs, pharmacies and providers have accelerated while the number of independent pharmacies and visibility into PBM contracting practices have decreased; and list prices and patients’ out-of-pocket costs for prescription drugs have increased as PBM rebates and fees have mushroomed.

In light of these troubling market developments, the Commission authorized in June 2022, a study under Section 6(b) of the FTC Act of certain PBM market structures and practices.³ This ongoing study is an important step towards helping the Commission identify and understand what roles PBMs play in contributing to the opaque and complex web of challenges that adversely affect price, quality, consumer choice, and competition in the U.S. pharmaceutical market.

I know many observers—myself included—eagerly anticipate the results of that study. However, we do not need to wait for it to be completed to update the public on what we already know to be true: the Commission’s prior PBM statements do not reflect contemporary market realities. The update is necessary given the substantial costs patients may bear if policy makers, other government agencies, academics, or market participants rely upon outdated Commission advocacy as the basis for not advancing solutions to any anticompetitive market outcomes driven by PBM compensation and fee practices.

For these reasons, I wholeheartedly support approval and issuance of the Commission’s Statement Concerning Reliance on Prior PBM-Related Advocacy Statements and Reports That No Longer Reflect Current Market Realities. Thank you.

² *Id.*

³ Press Release, Fed. Trade Comm’n, FTC Launches Inquiry Into Prescription Drug Middlemen Industry. (June 7, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-launches-inquiry-prescription-drug-middlemen-industry>.