

# Rutledge v. PCMA: 15 Years in the Making



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## **PCMA v. Rowe, No. 05-1606, (1st Cir.).**

- Maine's Unfair Prescription Drug Practices Act ("UPDPA"), enacted in 2003, was one of the first PBM laws in the nation to be challenged by PCMA
- NCPA provided support to Maine Attorney General in successfully defending statute before the U.S. Court of Appeals for the First Circuit

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## **PCMA v. Gerhart, No. 14-cv-345 (D. Iowa), on appeal, No. 15-3292 (8th Cir.).**

- PCMA files its first lawsuit against a State law regulating PBM-pharmacy relationships and argues that the law is preempted by the federal Employee Retirement Income Security Act of 1974 (ERISA)

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- NCPA works with the Iowa Pharmacy Association (IPA) to oppose PCMA's lawsuit
- The District Court dismisses PCMA's lawsuit
- PCMA appeals to the U.S. Court of Appeals for the Eighth Circuit

## **PCMA v. Rutledge, No. 15-cv-510 (E.D. Ark.), on appeal, No. 17-1609 (8th Cir.), pet. for cert. granted, No. 18-540 (U.S.).**

- PCMA files a second lawsuit, this time against an Arkansas law arguing that the law is preempted by ERISA

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- NCPA works with IPA to file an *amici curiae* ("friends of the court") brief with the Eighth Circuit defending Iowa's PBM regulations
- NCPA and IPA work with the Iowa Attorney General's Office to prepare for oral argument
- Eighth Circuit hears oral argument

- NCPA works with the Arkansas Pharmacists Association (APA) to provide support to the Arkansas Attorney General's Office throughout the District Court proceedings

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- Eighth Circuit reverses the District Court, ruling that Iowa's law is preempted by ERISA
- NCPA and IPA support Iowa's effort to seek rehearing, Eighth Circuit denies the State's petition

- District Court rules that Arkansas's law is preempted by ERISA and Arkansas appeals to Eighth Circuit
- NCPA works with APA to file an *amici curiae* brief with the Eighth Circuit defending Arkansas's PBM regulations

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- Eighth Circuit rules that Arkansas's law is preempted by ERISA, and in response, Attorney General's Office files a petition with the Supreme Court to review the Eighth Circuit's decision
- NCPA helps secure an *amici curiae* brief from 32 States and the District of Columbia urging the U.S. Supreme Court to review the case

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- Supreme Court calls for the U. S. Solicitor General to file a brief expressing the views of the federal government
- Solicitor General files brief on behalf of the United States arguing that the Eighth Circuit's decision was wrongly decided and urges Supreme Court to take the case

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- Supreme Court agrees to review case and its decision could have far-reaching implications for the authority of the States to regulate PBMs that process claims for employer- or union-sponsored health plans