

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

DEC 12 2023

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
ELIXIR RX SOLUTIONS, LLC d/b/a)
ELIXIR RX SOLUTIONS OF MISSOURI,)
LLC)
)
Respondent.)

**INSURANCE COMMISSIONER
OKLAHOMA**

CASE NO. 23-0312-DIS

CONDITIONAL ADMINISTRATIVE ORDER

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,
by and through counsel, Tyler P. Trammell, and alleges and states as follows:

JURISDICTION

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.* and 59 O.S. §§ 357-360.

2. Respondent, Elixir Rx Solutions, LLC d/b/a Elixir Rx Solutions of Missouri, LLC (“Respondent”) holding SBS Company Number 44201385, is licensed by the State of Oklahoma as a pharmacy benefits manager (hereinafter referred to as “PBM”). Respondent’s address of record is 7835 Freedom Ave. NW, North Canton, OH 44720.

3. Pursuant to 59 O.S. § 358, a PBM shall be licensed in order to provide pharmacy benefits management, or any services included under the definition of pharmacy benefits management found in Oklahoma Statutes, and must comply with all applicable laws, rules, and regulations.

4. Pursuant to OAC 365:25-29-15, the Insurance Commissioner shall have power and authority to examine and investigate the affairs of every PBM engaged in pharmacy benefits management in the state in order to determine whether it is in compliance with all applicable provisions of Title 36 and Title 59 of the Oklahoma Statutes and Title 365 of the Oklahoma Administrative Code and may take disciplinary action to enforce the same.

5. Pursuant to 59 O.S. § 358(d), the Department “may suspend, revoke or refuse to reissue or renew a license for noncompliance with any of the provisions hereby established or with the rules promulgated by the Department; for conduct likely to mislead, deceive or defraud the public or the Department; for unfair or deceptive business practices or for nonpayment of a renewal fee or fine. The Department may also levy administrative fines for each count of which a PBM has been convicted in a Department hearing.”

6. Pursuant to 36 O.S. § 908, the Commissioner may, if the Commissioner finds that any person or organization has violated the provisions of any statute for which the Commissioner has jurisdiction, impose a penalty of not less than One Hundred Dollars (\$100.00) no more than five Thousand Dollars (\$5,000.00) for each such violation. Such penalties may be in addition to any other penalty provided by law.

FINDINGS OF FACT

7. Respondent’s license lapsed as of midnight, March 31, 2023, due to Respondent not filing a timely renewal nor paying the required renewal fee.

8. On May 9, 2023, Respondent applied for, and filed, its completed renewal documentation and paid the \$500 reinstatement fee.

9. Respondent conducted and engaged in pharmacy benefits management in the State

of Oklahoma for a period of thirty-eight (38) days from the lapse of their license on March 31, 2023, to the complete submission of the renewal documentation and paying of the \$500 reinstatement fee on May 9, 2023.

10. On May 18, 2023, Respondent filed with the Department its PBM Activity Attestation. Respondent admitted that its license had expired on March 31, 2023. Respondent further admitted that it conducted 5,827 transactions amounting to \$390,100.00 while covering approximately 5,827 lives in the 48 days between the expiration of its license on March 31, 2023, and the filing of the May 18, 2023, PBM Activity Attestation.

CONCLUSIONS OF LAW

11. Respondent has violated 59 O.S. § 358 by continuing to provide pharmacy benefits management services for a total of thirty-eight (38) days without a license.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **FINED** Nine Thousand Four Hundred Dollars (\$9,400.00). The fine shall be paid within 30 days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. The fine shall be sent to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105 by check or money order with the case number 23-0312-DIS in the Memo line. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with

respect to the Findings of Fact set forth above within 30 days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the 31st day following the date of mailing this Order. A request for hearing should be in writing and addressed to Tyler P. Trammell, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 324. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a notice of the matters to be reviewed at the hearing and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this December 7, 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Tyler P. Trammell
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 521-6695
Tyler.Trammell@oid.ok.gov

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Order* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this December 12th, 2023, to:

Jennifer Asewicz
Elixir Rx Solutions, LLC d/b/a
Elixir Rx Solutions of Missouri, LLC
7835 Freedom Ave, NW
North Canton, OH 44720

CERTIFIED MAIL NO. 9589 0710 5270 0679 4481 86



Tyler P. Trammell
Assistant General Counsel