Will PBMs Be the Next Target of Opioid Lawsuits?

Managing partner, Harry Nelson, was quoted in a March 28, 2018, Modern Medicine Network article titled, “Will PBMs Be the Next Target of Opioid Lawsuits?”

From the article:

> PBMs set the rules that determine drug availability and how much patients have to pay out of pocket to get them. So why haven’t they been targeted until now?
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> Harry Nelson, managing partner, Nelson Hardiman, LLP, a healthcare law firm, says physicians have been targeted based on their role as prescribers and as frontline decision makers with the capability to avoid opioid overprescribing, dependency, and resulting harm. Similarly, pharmacists have been sued because of their roles as dispensers and their capacity to serve as the last safeguard before patients end up at risk from overprescribing.
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> “While PBMs play a critical role in drug’s pricing and availability, they are not expected to question physician’s therapeutic choices,” Nelson says. “They don’t have the same professional obligations that pharmacists do to avoid suboptimal dispensing choices. As unlicensed entities, they don’t hold individual licenses, as physicians and pharmacists do, so they are not held to the same standard. Their roles and responsibilities are less well-defined, so there is less basis to hold them responsible.”

Full Article