

Federal Trade Commission's Focus on Pharmacy Benefit Managers

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In early June, the Federal Trade Commission (FTC) exercised its authority under Section 6(b) of the Federal Trade Commission Act and launched an inquiry into prescription benefit managers (PBMs).

Section 6(b) gives the FTC the authority to conduct studies without an enforcement agenda. In an order issued pursuant to Section 6(b), the FTC has [requested](#) a broad scope of information, including information related to PBMs' pharmacy network, pharmacy reimbursement, formularies and drug lists used for certain plan sponsors, information related to specialty drugs, and detailed information on rebate contracts. (The FTC launched a similar [study](#) back in 2005, focused on PBM ownership of mail-order pharmacies).

On June 16, the FTC emphasized its focus on the PBM industry when it issued a [policy statement](#) to "explain its enforcement policy" related to "rebates and fees paid by drug manufacturers" to PBMs. That policy statement concentrated on the use of exclusionary rebates or other exclusionary conduct that has the effect of foreclosing competition.

Of particular note, both the 6(b) inquiry and the policy statement have the support of all five Commissioners.

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National Law Review, Volume XII, Number 174

Source URL: <https://natlawreview.com/article/federal-trade-commission-s-focus-pharmacy-benefit-managers>