

Oral Remarks of Commissioner Melissa Holyoak
Open Commission Meeting on August 1, 2024
Interim Staff Report on Pharmacy Benefit Managers
Military Consumer Protection Month

I. Interim Staff Report on Pharmacy Benefit Managers

Thank you, Chair Khan. I am grateful to our staff for their work in this important and ongoing effort as we proceed toward a final report. There are legitimate concerns that Pharmacy Benefit Managers (“PBMs”) may negatively affect the delivery of pharmacy benefits.¹ And in my prior role, I supported litigation against PBMs related to drug prices.² These are important issues and, as I stated in my Dissent, we should objectively and comprehensively study the PBM market. The Interim Report, however, failed to meet the rigorous standard of prior Commission reports, and for this reason, I dissented.

Congress and the public are carefully tracking the Commission’s work on this study. In the final version of the report, it will be vital that we examine how PBM practices affect consumers and the prices they pay. Protecting consumers through enforcement is at the heart of our agency’s mission. Our analysis of the relevant markets should directly advance that effort.

I am eager for the agency to finish its work on this study, and I thank staff for their hard work and the presentation today.

II. Military Consumer Protection Month

Thank you, Chair Khan. And thanks to staff for your presentation and work in this important area. I am proud of the Commission’s efforts to help protect and educate military consumers. Our staff work hard throughout the year to protect servicemembers, veterans, and their families. Staff do so in a variety of ways, such as by partnering with military organizations and engaging in education and outreach. They also do tremendous good through investigation and enforcement—such as in our recent lawsuit against Career Step LLC, which I was proud to support.³ As I observed last week, the Commission gets many complaints from military consumers. The complaints include a range of pernicious conduct that targets our military servicemembers. We should steadfastly investigate and deter bad actors that target our military. Perhaps of most importance is deterring fraud that targets our servicemembers, which may have particularly

¹ Dissenting Statement of Commissioner Melissa Holyoak, *In the Matter of the Pharmacy Benefit Managers Report*, Matter Number P221200, at 1 (July 9, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/Holyoak-Statement-Pharmacy-Benefit-Managers-Report.pdf.

² *Id.*

³ See Concurring Statement of Commissioner Melissa Holyoak, *Career Step LLC*, FTC Matter No. 2323019 (July 30, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/2024-7-26-Holyoak-statement-re-Career-Step-LLC-FINAL.pdf.

harmful effects on the servicemembers, their families, and society, including by compromising our nation's military readiness.

July was Military Consumer Month, which we observe to increase awareness of consumer protections for servicemembers, veterans, and military families. As the nation's consumer protection agency, we at the Commission should prioritize protecting the brave men and women who serve our country. I look forward to continuing to work with staff and with my fellow Commissioners on these vital efforts.