

2737.0600 REVIEW BY COMMISSIONER.

Subpart 1. **Additional information.** The commissioner may request additional information within 30 days of receiving completed initial or renewal application data. The 30-day initial review period does not begin until complete application data has been submitted to the commissioners of commerce and health. Incomplete applications will not be reviewed, but incomplete items will be identified and communicated within 30 days.

Subp. 2. **Determination.** Within 90 days after the date a complete initial or renewal application is received, the commissioner must:

- A. issue an initial or renewal license if the applicant is determined to be qualified;
- B. issue a limited or restricted license; or

C. notify the applicant if the submission is denied, specifying the reason for the denial. If the applicant provides a remedy for the denial within 30 days of the date the denial notice is received, or submits and receives approval for a corrective action plan to cure and correct deficiencies within 30 days of the date the denial notice is received, the commissioner must not assess a new application fee. The commissioner may provide temporary, contingent approval for a pharmacy benefit manager while the pharmacy benefit manager is participating in the corrective action plan process.

Subp. 3. **Limited or restricted license.** As part of a license application review, the commissioner may issue a restricted or limited license, including limitations based on the network adequacy report. A pharmacy benefit manager whose application for a full license results in a limited or restricted license may provide the Department of Commerce with additional information that addresses the basis for the limited or restricted license and request that a full license be restored.

Subp. 4. **Appeals process.** The commissioner's decision to deny a license, deny a renewal, or issue a limited or restricted license may be appealed subject to the following procedure:

A. within 30 days of the date the denial or limited or restricted license is issued, a pharmacy benefit manager must make a written request to the commissioner for a hearing to determine whether the decision or action complies with this chapter and Minnesota Statutes, chapter 62W;

B. within 30 days after the date the hearing request is made, the commissioner must provide notice of a hearing to be conducted under Minnesota Statutes, chapter 14, and must give not less than ten days' written notice of the hearing date, time, and location; and

C. the commissioner's order or decision is a final decision subject to appeal under Minnesota Statutes, chapter 14.

Subp. 5. **License continuity.** If a renewal license is not granted before the previous year's license expires and the pharmacy benefit manager has a timely filed renewal application pending, the pharmacy benefit manager may continue to provide services under the terms of the previous year's license until the renewal application is approved or denied.

Statutory Authority: *L 2019 c 39 s 20*

History: 46 SR 809

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