

FILED

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Department of Insurance  
State of Idaho

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*Attorneys for the Department of Insurance*

**Before the Director of the Department of Insurance**

**State of Idaho**

Idaho Department of Insurance,

Complainant,

vs.

Express Scripts Administrators, LLC, a  
Delaware limited liability company  
holding Idaho Pharmacy Benefit  
Manager License No. 449120,

Respondent.

Docket No. 18-4685-25

**Stipulation and Final Order**

*Come now* the staff of the Idaho Department of Insurance (“Department”) and Express Scripts Administrators, LLC (“Express Scripts”) and do hereby agree and stipulate as follows:

**Findings of Fact**

1. Express Scripts is a Delaware limited liability company that is

authorized to act as a pharmacy benefit manager under Idaho Pharmacy Benefit Manager License No. 449120. Express Scripts is subject to the provisions of title 41, Idaho Code, and to the rules of the Idaho Department of Insurance promulgated thereunder.

2. The Director of the Department (“Director”) has jurisdiction over Express Scripts and the subject matter herein pursuant to provisions of the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

3. In November 2024, the Department issued Bulletin 24-05 concerning the implementation of the July 1, 2024, legislative changes to Idaho Code § 41-349. Bulletin 24-05 provided, in part, certain reporting requirements, including setting deadlines for annual reports due pursuant to Idaho Code § 41-349(10) and quarterly reports due pursuant to Idaho Code § 41-349(13). Those reporting requirements were new developments in Idaho for regulating pharmacy benefit managers.

4. Express Scripts was tardy in submitting the reports due January 1, 2025, which it submitted under protest. Respondent’s reports due April 1, 2025 were submitted timely.

5. On April 28, 2025, the Department filed a Verified Complaint and Notice of Right to Hearing (hereinafter “Verified Complaint”), seeking imposition of administrative penalties.

6. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Final Order.

### **Agreement**

7. Based upon the foregoing, Express Scripts and the Department stipulate and agree as follows:

- a. Express Scripts admits to violating Idaho Code § 41-349.
- b. Express Scripts and the Department agree that Express Scripts should pay an administrative penalty of \$5,000.
- c. Express Scripts and the Department agree that, upon payment of the administrative penalty, this action should be dismissed with prejudice.

8. By entering into this Stipulation, Express Scripts knowingly and voluntarily waives any rights it would otherwise have to notice and a hearing at which he may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

9. The parties agree that the terms of this Stipulation and Final Order are appropriate and proper under the circumstances referenced herein.

10. Express Scripts acknowledges that it has read this Stipulation and Final Order and understands its contents; that it has been given the opportunity to discuss this Stipulation and Final Order with independent legal counsel of its choosing; and that it has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights it may be waiving thereby.

11. Express Scripts acknowledges that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which Express Scripts holds a license.

12. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Department and Express Scripts upon such approval. Should the Director decline to approve this Stipulation and Final Order, the Department and Express Scripts shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by Express Scripts herein shall be withdrawn.

13. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the Verified Complaint, Docket No. 18-4685-25, subject to the agreement set forth in Paragraph 5 above.

14. Express Scripts agrees that, upon execution of this Stipulation and Final Order, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

15. Express Scripts stipulates and agrees that the dismissal with prejudice of the above-entitled action:

- a. Does not in any way negate its admission herein of violations of title 41, Idaho Code, as stated above;

- b. Does not negate the continued effectiveness of the Order; and
- c. Does not impair the Department's right to exercise any of its remedies if Express Scripts violates the terms of the Stipulation and Final Order.

16. This Stipulation and Final Order embodies the entire agreement between the Department and Express Scripts, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

17. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

Agreed this 18<sup>th</sup> day of August, 2025.

EXPRESS SCRIPTS ADMINISTRATORS, LLC

*Matthew Donze*

By: Matthew Donze  
Its: Senior Vice President and Chief Counsel

Approved as to Form:

*Stephen R. Thomas*

Attorney for Express Scripts Administrators, LLC


Agreed this 18 day of August, 2025.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

By: Wesley Taylor, Deputy Director, for  
Shannon Hohl  
Bureau Chief  
Market Oversight Bureau

Approved as to Form:

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By:   
Michael Witry  
Deputy Attorney General  
Attorney for the Department of Insurance

## Final Order

The parties hereto, namely the Idaho Department of Insurance and Express Scripts Administrators, LLC, having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein.

*Now, therefore,* based on the foregoing and in consideration of the premises,

*It is hereby ordered* that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof;

*It is further ordered* that an administrative penalty of \$5,000 is assessed against Express Scripts Administrators, LLC;

*It is further ordered* that, upon payment of the administrative penalty referenced above, this action is hereby *dismissed; and*

*It is further ordered* that the dismissal with prejudice of this action does not negate Express Scripts Administrators, LLC's admission that it violated certain sections of title 41, Idaho Code; does not negate the continued effectiveness of this Order; and does not impair the Department's right to exercise any available remedy if Express Scripts Administrators, LLC violates this Order.

*Dated* this 18 day of August, 2025.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



Dean L. Cameron  
Director


### **Notice Regarding Reportable Proceedings**

The foregoing is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies for which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the online searchable database of the Idaho Department of Insurance. You should be aware that this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which you hold an insurance license.

### Certificate of Service

I hereby certify that, on this 18<sup>th</sup> day of August, 2025, I caused a true and correct copy of the foregoing, fully-executed Stipulation and Final Order to be served upon the following by the designated means:

<p>Stephen R. Thomas Dane Bolinger Kenneth Shumard Hawley Troxell Ennis &amp; Hawley LLP PO Box 1617 Boise, ID 83701</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:sthomas@hawleytroxell.com">sthomas@hawleytroxell.com</a>, <a href="mailto:dbolinger@hawleytroxell.com">dbolinger@hawleytroxell.com</a>, <a href="mailto:kshumard@hawleytroxell.com">kshumard@hawleytroxell.com</a></p>
<p>Mark Wachlin Evernorth Health Services Two Liberty Place 1601 Chestnut St, 15<sup>th</sup> Floor Philadelphia, PA 19192</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.wachlin@evernorth.com">mark.wachlin@evernorth.com</a> <a href="mailto:kate.reitz@evernorth.com">kate.reitz@evernorth.com</a> <a href="mailto:matthew.chiachetti@evernorth.com">matthew.chiachetti@evernorth.com</a></p>
<p>McDermott, Will &amp; Emery Michael Kimberly 500 N Capitol St NW Washington, DC 20001-1531</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mkimberly@mwe.com">mkimberly@mwe.com</a></p>
<p>Michael Witry Deputy Attorney General Idaho Department of Insurance 700 W State St, 3<sup>rd</sup> Floor PO Box 83720 Boise, ID 83720-0043</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:michael.witry@doi.idaho.gov">michael.witry@doi.idaho.gov</a></p>

  
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Jan Noriyuki  
Paralegal