

Direct-to-Consumer Prescription Drug Programs: Plan Sponsors Beware!



Mary E. Powell

We are pleased to share this recent article from the Daily Journal, written by our colleague Mary Powell. Mary focuses her employee benefits practice on health and welfare plans, and she advises plan sponsor and other fiduciaries of those plans regarding their duties and obligations under the Employee Retirement Income Security Act of 1974 (ERISA).

Recently, Mary has been writing and speaking extensively on the often misunderstood (and therefore overlooked) fiduciary obligations that must be met to properly monitor Pharmacy Benefit Managers (PBMs), the intermediaries who manage and administer prescription drug benefits for self-funded group health plans, for which they often receive substantial compensation. In this Daily Journal article, Mary addresses important contractual issues that can arise when health plan fiduciaries attempt to save costs by eliminating the PBM, through the implementation of direct-to-consumer (DTC) prescription drug programs. The legal issues for plan fiduciaries can be complex and often come as a surprise. That said, these issues are manageable and the applicable ERISA standards can be met, if properly understood and addressed.

[Click here to read the article published in the Daily Journal. \(https://www.truckerhuss.com/wp-content/uploads/2025/04/Direct-to-Consumer-Prescription-Drug-Program-Mary-Powell-Trucker-Huss-Daily-Journal.pdf\)](https://www.truckerhuss.com/wp-content/uploads/2025/04/Direct-to-Consumer-Prescription-Drug-Program-Mary-Powell-Trucker-Huss-Daily-Journal.pdf)

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