Prescription Drug Price Transparency Act Submission Guidance 2026

State of New Mexico
Office of Superintendent of Insurance

Contents

Section I: General Information and Background

Background

During the 2023 Legislative Session, the New Mexico State Legislature passed House Bill 33, the Prescription Drug Price Transparency Act. This legislation mandates the New Mexico Office of Superintendent of Insurance (OSI) to collect data from Drug Manufacturers, Pharmacy Services Administrative Organizations (PSAOs), authorized health insurers, and Pharmacy Benefit Managers (PBMs) regarding drug prices and sales. The law also requires OSI to report annually to legislative committees and the public. To fulfill this mandate, OSI will evaluate whether reporting entities meet the established reporting standards, analyze the data, and assess compliance with the Prescription Drug Price Transparency submission criteria. This document serves as a guide to comply with prescription drug price transparency reporting requirements. For the full text and additional information on these requirements, please refer to NMSA 1978, Section 59A-59A.

Purpose

This guide provides general information on submitting drug data to comply with the Prescription Drug Price Transparency Act. Because this guidance cannot supersede any applicable provision of federal or state law, users are encouraged to review the federal and state laws referenced in this document to resolve any questions concerning this guidance, as violations of the Insurance Code are subject to administrative penalties pursuant to the Prescription Drug Price Transparency Act, NMSA 1978, Sections 59A-59A-1 *et seq*., and NMSA 1978, Section 59A-1-18.

Effective Date

The provisions of the Prescription Drug Price Transparency Act are effective January 1, 2025. See tables below for implementation timeline and due dates.

Location

The reporting tool along with the submission guidance document and other relevant information related to prescription drug price transparency reporting can be found at:

https://www.osi.state.nm.us/en/insurance-professionals/life-and-health-division/resource-binder/prescription-drug-price-transparency/

Contact Information

Please direct all questions regarding plan certification and this document to the prescription Drug Price Transparency program coordinator at rxtransparency@osi.nm.gov

Section II: Timeline

2026 TIMELINE	
Activity	**Timeline**
Guidance Document updated	02/18/2026
Online reporting tool active for 2026 submissions	02/18/2026
Initial Submission Deadline (PBM's, Insurer's & Manufacturers)	06/01/2025
Annual Submissions Deadline (PBM's, Insurer's & Manufacturers)	05/01 annually
Initial Submissions Deadline (PSAO's)	06/30/2025
Annual Submissions Deadline (PSAO's)	06/30 annually

Please note that dates may be subject to change by approval of the staff of the Life and Health Division based on factors such as delays in electronic submission system enhancements. Licensees, registrants, and other submitting entities must adhere to the timeline outlined above or in any updated guidance.

A manufacturer, pharmacy services administrative organization, authorized health insurer, or pharmacy benefits manager may be subject to a penalty imposed by the superintendent in accordance with NMSA 1978, Section 59A-1-18 for failing to submit required information or data, failing to submit information or data on time, or providing inaccurate or incomplete information or data. Penalties may include a fine of $5,000 for each incomplete or missing submission.

Section III: Important Information

The following items are FYI:

- All reporting shall be completed via electronic portal submission through an online portal that will be made available on the OSI website.
- All data submitted is solely for the purpose of fulfilling the requirements of the Prescription Drug Price Transparency Act, NMSA 1978, Sections 59A-59A-1 *et seq*., and will not be used for any other purpose.
- Submissions sent via facsimile, U.S. mail, or emailed directly, will not be reviewed or considered as complete. Only submissions completed and submitted through the electronic portal will be reviewed for completion.
- The electronic portal will be available for submissions February 18, 2026.
- Submissions entered between January 01, 2026 – February 18, 2026, have been captured and will not need to be resubmitted.
- The deadline for PBM, Manufacturer, and Authorized Health Insurer submissions will be May 1 annually.
- The deadline for PSAO submissions will be June 30 annually.
- Reporting entities will be expected to submit the following information to identify all drug submissions:
    - National Drug Code (NDC; 11-digit configuration)
        - Reporting entities are required to separately report each NDC that meets the reporting threshold.
    - Trade Name (aka brand name; not required if reporting a generic drug)
    - Chemical Name (aka generic name)
    - Strength, and Dosage Form

Section IV: Manufacturers

Reporting Manufacturer Definition

A reporting manufacturer is defined as an entity that meets the following (See NMSA 1978, Section 59A-59A-2):

- Owns the patent to a prescription drug product.
- Enters into a lease with another manufacturer to market and distribute a brand name drug under the entity's own name; or
- Sets or changes the wholesale acquisition cost of a prescription drug product that the entity manufactures or markets.

Registration

Manufacturers and entities submitting on behalf of manufacturers are not expected to have to create a user account to access the data entry form(s). This is subject to change in upcoming submission years. Manufacturers and entities submitting on behalf of manufacturers are expected to have available and submit the following information at the time of submission entry:

Prescription Drug Manufacturer: Contact Information

Please enter the contact information associated with the submission.

* indicates required field

Company Contact Information

Company Name *

DBA Name (if different than company name)

New Mexico Board of Pharmacy License Number *

Federal EIN *

__-_____

Address Line 1 *

Address Line 2

City *

State *

Zip Code *

Responsible Party Contact Information

Please enter the name and contact information for the party within this regulated entity who is legally responsible for compliance with state laws and regulations.

First Name *

Last Name *

Contact Phone *

(___) ___-____

Contact Email *

Submitter Contact Information

Please enter the name and contact information for the person making this submission. If the submitter and the responsible party are the same, please enter the same information as the above section.

Is the submitter a third party? *

○ Yes ○ No

Company Name of Submitter *

First Name *

Last Name *

Contact Phone *

(___) ___-____

Contact Email *

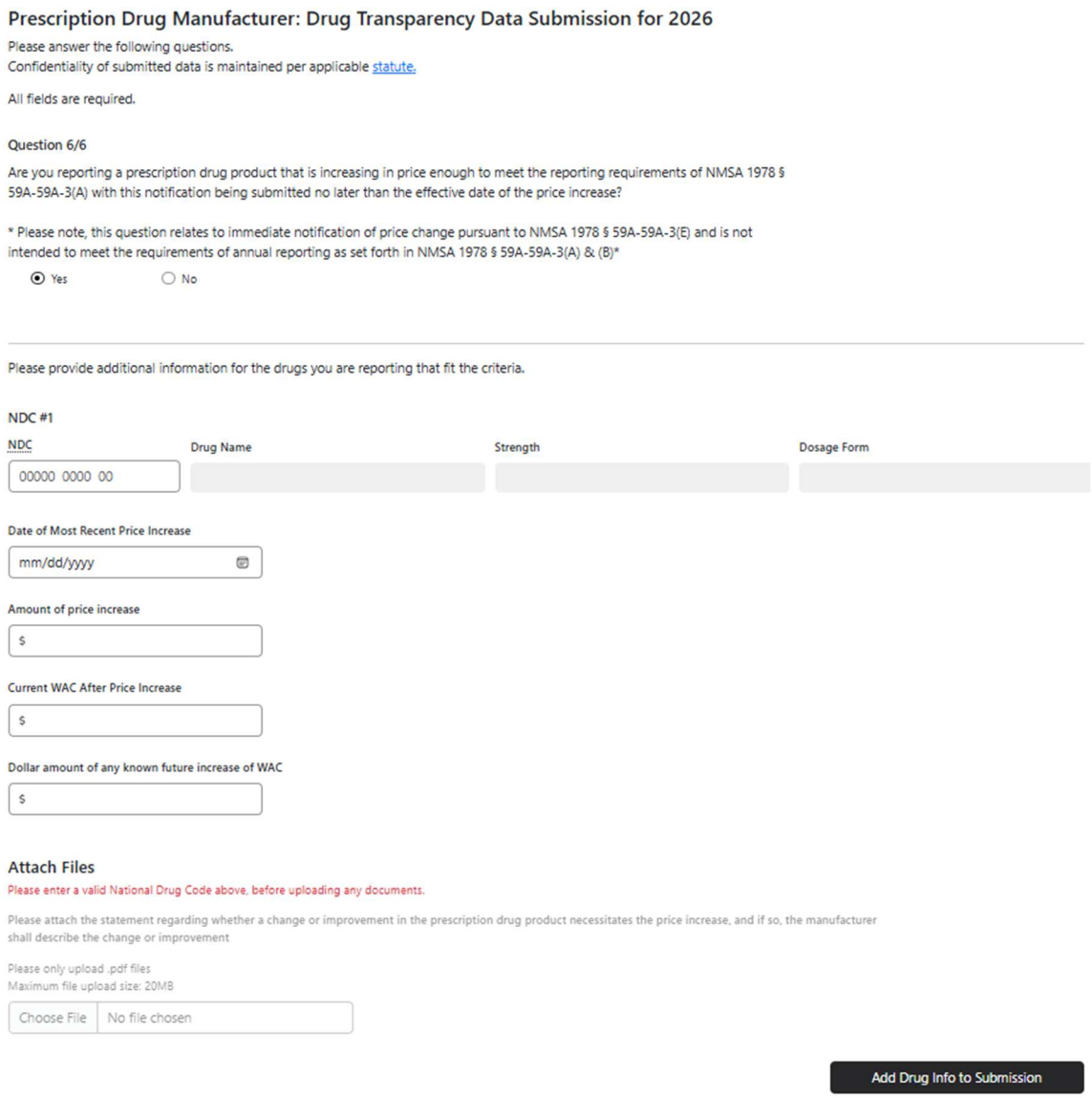
Annual Reporting Requirements: Reports are due annually on or before May 1

Criteria	Criteria (cont.)
WAC ≥ $400 for a 30-day supply (or less) **AND**	
	Brand Name drug with a WAC increase ≥ 10% during previous calendar year
	Brand Name drug with a WAC increase ≥ 16% during previous 2 calendar years
	Generic or Biosimilar drug with a WAC increase ≥ 30% during previous calendar year

For each drug the meets the above reporting requirements, manufacturers shall submit:

1) The introductory WAC of the prescription drug product when the product was approved for marketing by the FDA.
2) The annual increase in the prescription drug product's WAC over the previous five calendar years.
3) The direct costs associated with manufacturing, marketing and distributing the prescription drug product.
4) The total revenue from the prescription drug product over the previous calendar year.
5) The net profit attributable to the prescription drug product over the previous calendar year.
6) The patent expiration date for the prescription drug product.
7) The ten highest government-negotiated prices of the prescription drug product in European Union countries and the United Kingdom.
8) Any agreement between the manufacturer and another entity that involves a delay in marketing a generic version of the prescription drug product.
9) The names and prices of any generic equivalents of the prescription drug product.
10) The total amount of manufacturer-supported financial assistance provided to consumers of the prescription drug product

A manufacturer of a prescription drug product that is increasing in price enough to meet the above listed reporting requirement must notify OSI of the price increase no later than the date that the price increase becomes effective. These increases must be reported through the data reporting tool. Email submissions will no longer be accepted after February 18, 2026.



Prescription Drug Manufacturer: Drug Transparency Data Submission for 2026

Please answer the following questions.
Confidentiality of submitted data is maintained per applicable statute.

All fields are required.

Question 6/6

Are you reporting a prescription drug product that is increasing in price enough to meet the reporting requirements of NMSA 1978 § 59A-59A-3(A) with this notification being submitted no later than the effective date of the price increase?

* Please note, this question relates to immediate notification of price change pursuant to NMSA 1978 § 59A-59A-3(E) and is not intended to meet the requirements of annual reporting as set forth in NMSA 1978 § 59A-59A-3(A) & (B)*

Yes No

Please provide additional information for the drugs you are reporting that fit the criteria.

NDC #1

NDC Drug Name Strength Dosage Form

00000 0000 00

Date of Most Recent Price Increase

mm/dd/yyyy

Amount of price increase

$

Current WAC After Price Increase

$

Dollar amount of any known future increase of WAC

$

Attach Files

Please enter a valid National Drug Code above, before uploading any documents.

Please attach the statement regarding whether a change or improvement in the prescription drug product necessitates the price increase, and if so, the manufacturer shall describe the change or improvement

Please only upload .pdf files
Maximum file upload size: 20MB

Choose File No file chosen

Add Drug Info to Submission

Other reporting requirements

Criteria	Reporting Requirement
Brand name drug introduced in the U.S. with a price higher than the Medicare part D specialty-tier threshold	Report name of the drug to OSI **within 3 days** of introduction
Generic drug or Biosimilar product is introduced in the U.S. at a price higher than the Medicare part D specialty-tier threshold **AND** the price is not at least 15% lower than the price of the brand name drug or biological product that the generic drug or biosimilar product is based on	Report name of the drug or biosimilar to OSI **within 3 days** of introduction

Section V: Pharmacy Service Administration Organizations

PSAO Definition

An entity registered with the superintendent as a pharmacy services administrative organization pursuant to the Pharmacy Benefits Manager Regulation Act, NMSA 1978, Sections 59A-63-1 *et seq*.

Registration

PSAO's are expected to have available and submit the following information at the time of submission entry:

- Company Name as it appears in OSI Registration
- DBA (if applicable)
- Street Address as it appears in OSI Registration
- Federal Employer ID Number (FEIN) aka Federal Tax ID Number
- Contact Name
- Contact telephone number
- Contact email address

Annual Reporting Requirements: Reports are due annually on or before June 30

Reporting Requirements
Negotiated reimbursement rate of the 25 prescription drug products with the highest reimbursement rate
25 prescription drug products with the highest year-to-year percentage change in reimbursement rate
25 prescription drug products with the highest year-to-year change in reimbursement rate based on the total dollar amount of change
Schedule of fees charged to pharmacies for the services provided by the PSAO

PSAO's that **solely** generate revenue from charging flat service fees to pharmacies and do not charge pharmacies for services based on prescription drug product prices or volume are exempt from reporting. Please note if this situation applies to you, you will need to attach and submit a blank PDF form to continue with the submission. This is a temporary work around and will be addressed in a later update.

Section VI: Authorized Health Insurers

Authorized Health Insurer Definition

Any entity holding a valid certificate of authority issued pursuant to the insurance laws of the state of New Mexico, including a health insurance company, health maintenance organization, hospital or health care services corporation, provider service network, nonprofit health care plan or any other entity that:

- Contracts, offers to contract or enter into agreements to pay for or reimburse any costs of health care services, **OR**
- Provides, offers or administers health benefits plans or managed health care plans in the state of New Mexico

Registration

Authorized Health Insurers are expected to have available and submit the following information at the time of submission entry:

- Insurer Name (as it appears on OSI License)
- Insurer license number and expiration date
- Insurer address (as it appears on OSI License)
- Federal Employer Identification Number (FEIN) aka Federal Tax ID Number
- Contact Name
- Contact telephone number
- Contact email address

Annual Reporting Requirements: Reports are due annually on or before May 1

Reporting Requirements
25 most frequently prescribed prescription drug products
25 most costly prescription drug products by total annual plan spending
25 prescription drug products with the highest increase in total annual spending compared to the previous calendar year
Evaluation on the effect that the cost of prescription drug products has on health care premiums

Section VII: Pharmacy Benefit Managers

PBM Definition

Any entity licensed as a pharmacy benefits manager pursuant to the Pharmacy Benefits Manager Regulation Act

Registration

PBM's are expected to have available and submit the following information at the time of submission entry:

- PBM Name as it appears on OSI License
- Street Address as it appears on OSI License
- Federal Employer ID Number (FEIN) aka Federal Tax ID Number
- Contact Name
- Contact telephone number
- Contact email address

Annual Reporting Requirements: Reports are due annually on or before May 1

Reporting Requirements
The aggregate rebates and fees collected from manufacturers (in dollars, USD)
The aggregate dollar amount of rebates and fees collected from manufacturers that were **passed on to authorized health insurers**
The aggregate dollar amount of rebates and fees collected from manufacturers that were **passed on to consumers** at the point of sale of a prescription drug product
The aggregate dollar amount of rebates and fees collected from manufacturers that were **retained by the pharmacy benefits manager**

Section VIII: FAQs

Is there a mailing list for critical updates to Prescription Drug Price Transparency reporting?

- Yes. You may email rxtransparency@osi.nm.gov to be added to the mailing list

Is the annual reporting deadline different for PSAO's than for PBM's, Insurers, and Manufacturer's?

- Yes. The reporting deadline for PBM's, Insurer's and Manufacturers is May 1st annually. The reporting deadline for PSAO's is June 30th annually.

How is calendar year defined?

- Calendar year is defined as January 1 – December 31 annually

What if the course of treatment for a drug is not 30-days? Do I still have to report the WAC for a 30-day supply?

- Yes. The cost must be calculated for a 30-day supply in all cases

Can confidentiality and proprietary information be addressed within the guidance document?

- Information regarding confidentiality requirements is outlined in NMSA 59A-59A within the respective subsections for each reporting entity. It is not appropriate to include within a submission guidance document.

What date is used to compare the WAC from previous calendar years?

- There is not a specific date used to calculate the WAC in previous calendar years. Current WAC is compared to the lowest WAC during a given calendar year (or two years in some cases) for the purpose of determining reporting requirements.

The term "price' seems to be used a lot to refer to drug prices instead of WAC. Are these terms interchangeable?

- These terms are interchangeable for the purposes of this guidance document

What if the product being reported is a generic product? In that case will generic equivalents still need to be reported?

- Yes

Is the "total revenue from the prescription drug product over the previous calendar year" gross or net revenue?

- Gross revenue. Net revenue considerations are addressed elsewhere in reporting requirements (advertising, marketing, etc.)

Does the reporting portal require a login in or will it be an open form

- Open Form. Login is not currently required.

Regarding the requirement: "The annual increase in the prescription drug product's wholesale acquisition cost over the previous five calendar years"; what date should be used to compare those five years?

- The date of the price increase may be used. For example, if the reporting threshold price increase occurred on April 1, 2024, then prices should be compared from April 1, 2023, April 1, 2022, April 1, 2021, etc.

If the reporting PBM only services ERISA/Worker's Comp clients, am I still required to report pursuant to NMSA 1978 § 59A-59A?

- NMSA 1978 § 59A-59A does not specifically grant exception for any PBM's registered to do business within the state. If you feel that you are not required to report, you may submit a legal opinion for review and final determination by OSI to rxtransparency@osi.nm.gov. Please note, extensions will not be granted solely for the purpose of this review.

What are the time parameters for manufacturers to report the direct costs associated with manufacturing, marketing and distributing the prescription drug product?

- Please report the direct costs for the calendar year being reported; Jan. 1 – Dec. 31

Are manufacturers required to submit zero reports if they do not meet the reporting criteria for any given calendar year?

- While there is no requirement to submit a zero report, manufacturers are encouraged to submit notice of a zero report to rxtransparency@osi.nm.gov. Please note, annual price changes are being independently monitored by OSI via third party resources.

Section IX: Known Issues

PSAO's that solely generate revenue from charging flat service fees and do not charge for services based on product prices or volume are exempt from the reporting, however the system is requiring me to upload a schedule of fees to move forward. Can this be bypassed?

- This is a known issue and is currently being worked out. In the meantime, a PDF indicating that the reporter should upload a PDF document indicating that the PSAO solely generates revenue from charging flat service fees to pharmacies and does not charge pharmacies for services based on prescription drug product prices or volume

I am reporting a generic/biosimilar, however I cannot get past the question asking for a patent expiration date. Is there a way to bypass this question?

- This is a known issue and is currently being worked out. In the meantime, please enter a date of 01/01/1900.