

The future of Prescription Drug Affordability Boards (PDABs)

After setting the first Upper Payment Limit (UPL) in October 2025, Colorado is likely to move forward with setting UPLs for additional “unaffordable drugs.” Maryland is expected to do the same.

Enbrel UPL implementation and monitoring

Implementation: Since the Colorado UPL is based on Medicare MFP, PDABs could adjust UPL implementation based on MFP implementation, specifically how efficiently the Medicare Transaction Facilitator processes refund payments to pharmacies when pharmacy acquisition costs exceed the Medicare MFP.

Monitoring: Carriers and state entities subject to UPLs must submit an annual report to the PDAB on UPL impacts. These reports include:

Claims savings

Estimated savings to the state with having the UPL in place, vs. not having a UPL. The claims savings will include:

- **Utilization** with a UPL vs. Estimated utilization without a UPL
- **Costs and savings** associated with a UPL vs. Estimated costs and savings without a UPL

Cost-sharing savings

How carriers utilized any savings from a prescription drug's UPL to **reduce out-of-pocket costs to consumers**.

The out-of-pocket savings will include:

- **Current cost-sharing payments** for the selected drug
- Estimated cost-sharing without a UPL

Premium savings

Estimated total premium savings, per member for selected drugs. The premium savings will include:

- **Total paid claims** with a UPL vs. Estimated total paid claims without a UPL
- **Estimated premium savings** due to implementation of a UPL

Reports must include any changes to plan formularies due to UPLs.



In October 2025, Amgen again sued the Colorado PDAB over Enbrel's UPL, alleging that the UPL is unconstitutional and will cause Amgen “irreparable harm.”

Next Steps for “unaffordable drugs”



Colorado

Colorado PDAB will engage in **rulemaking for Stelara and Cosentyx**, which will involve:

- **A comment period** allowing the submission of verbal and written testimony.
- **Data collection** on Stelara and Cosentyx including data on patient out-of-pocket costs, plan costs, rebates, and drug utilization.

Colorado PDAB will set UPLs in **2026 at the earliest** after the comment period, data collection, and board deliberation. Enbrel's UPL was set after four rulemaking hearings over the course of five months.



Maryland

Maryland PDAB is **moving forward with setting UPLs for Jardiance and Farxiga**.

PDAB is also considering other options to limit drug costs:

- **Inflation penalty** on manufacturers if drugs costs increase at a rate higher than inflation.
- **Creating search tools** to help patients compare drug prices.

Maryland UPLs will only apply to the commercial market one year after the Maryland PDAB implements UPLs on two drugs.

Next steps for states conducting affordability reviews



Washington

Washington PDAB will begin affordability reviews for **Enbrel** and **Xtandi**.

- **Data collection** is currently underway for these drugs.

Washington PDAB will conduct affordability reviews for **Humira** and **Cabometyx** after the affordability reviews for Enbrel and Xtandi are complete.

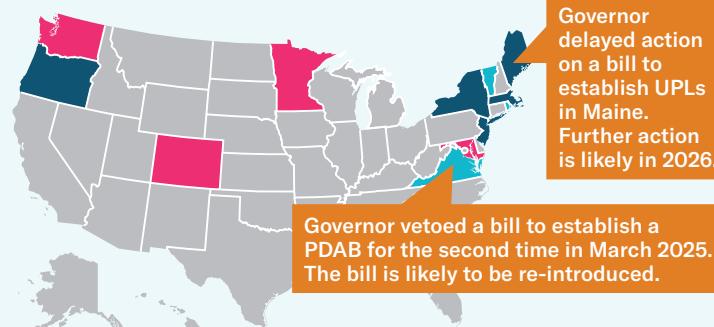


Oregon

Oregon PDAB has started the affordability review process for the first set of selected drugs: **Vraylar, Ajovy, Emgality, Nurtec, Ubrelvy, and Entresto**.

Oregon does not have the power to set UPLs, but **that may change as early as 2027**.

Other states may establish PDABs or expand the authority of existing PDABs if Colorado successfully implements its UPL



■ States with PDABs
■ PDABs that can set UPLs
■ States with legislative proposals to establish PDABs

Sources: “Youngkin vetoes Prescription Drug Affordability Board,” Virginia Scope, <https://www.virginiascopes.com/youngkin-vetoes-prescription-drug-affordability-board/#:-:text=Youngkin%20vetoes%20Prescription%20Drug%20Affordability,sign%20or%20veto%20the%20bill;> “S.98 (Act 134),” Vermont General Assembly, <https://legislature.vermont.gov/bill/status/2024/S.98;> “ME LD697,” BillTrack50, <https://www.billtrack50.com/billdetail/1933796/48842#:-:text=AI%20Summary,potential%20for%20resulting%20legislative%20action;> “Prescription Drug Affordability Boards in 2025: State Policy Actions and Trends,” MultiState, <https://www.multistate.us/insider/2025/7/30/prescription-drug-affordability-boards-in-2025-state-policy-actions-and-trends;> “County leaders urge prescription drug board to set ‘upper payment limits,’” Maryland Matters, <https://marylandmatters.org/2025/09/30/county-leaders-urge-prescription-drug-board-to-set-upper-payment-limits/#:-:text=The%20board%20is%20closing%20in,prices%20%20from%20inflation%20or%20rebates;> “RE: Draft Proposed Rule 4.3 Upper Payment Limit for Enbrel (Etanercept),” [https://doi.colorado.gov/sites/doi/files/documents/October%202025%20Upper%20Written%20Testimony.pdf;](https://doi.colorado.gov/sites/doi/files/documents/October%202025%20Upper%20Written%20Testimony.pdf) “District Court Dismisses Manufacturer Lawsuit Challenging Colorado Price Setting for Prescription Drug,” ArentFox Schiff, [https://www.arentfox.com/perspectives/health-care-counsel-blog/district-court-dismisses-manufacturer-lawsuit-challenging-%20DAB%20Rulmaking%20Guide;](https://www.arentfox.com/perspectives/health-care-counsel-blog/district-court-dismisses-manufacturer-lawsuit-challenging-%20DAB%20Rulmaking%20Guide) Colorado Prescription Drug Affordability Board, [https://drive.google.com/file/d/1Yg_1PjrsVgOp_3zN2XZNiaAocn2k1/view?usp=Prescription%20Drug%20Affordability%20Board%20Activity%20July%202025%20Revised%20Testimony.pdf;](https://drive.google.com/file/d/1Yg_1PjrsVgOp_3zN2XZNiaAocn2k1/view?usp=Prescription%20Drug%20Affordability%20Board%20Activity%20July%202025%20Revised%20Testimony.pdf) “The Partnership for Safe Medicines,” [https://www.safemedicines.org/2025/08/pdab-activity-july-2025.html#W4A;](https://www.safemedicines.org/2025/08/pdab-activity-july-2025.html#W4A) “Oregon Senator Delays Bill Granting PDAB UPL Authority Amid Uncertainty,” Aimed Alliance, <https://aimedalliance.org/oregon-senator-delays-bill-granting-pdab-upl-authority-amid-uncertainty/#:-:text=Oregon%20Senator%20Deb%20Patterson%20Chair,15%20%20from%202025%20by%20Aimed%20Alliance;> “Colorado Prescription Drug Affordability Review Board & Advisory Council,” Colorado Department of Regulatory Agencies, <https://doi.colorado.gov/types-of-insurance/health-insurance/prescription-drug-affordability-review-board/#:-:text=Colorado%20Prescription%20Drug%20Affordability%20Board,Coloradoans%20through%20affordability%20reviews%20of,After Colorado put a price cap on its drug, Amgen sued the state board that did it. Again,The Colorado Sun, https://coloradosun.com/2025/11/05/amgen-lawsuit-prescription-drug-affordability-board-enbrel.>