

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
Denver**

AMGEN INC., *et al.*,

Plaintiffs,

v.

GAIL MIZNER, MD, in her official
capacity as Chair of the Colorado
Prescription Drug Affordability Review
Board, *et al.*,

Defendants.

**Civil Action
No. 1:24-cv-810-NYW-SBP**

**PLAINTIFFS' NOTICE OF RESCHEDULING
OF UPL RULEMAKING HEARING**

On December 18, 2024, Plaintiffs Amgen Inc., Immunex Corporation, and Amgen Manufacturing, Limited (collectively "Amgen") filed a notice to inform the Court that Colorado's Prescription Drug Affordability Review Board had formally commenced the rulemaking process to establish an upper payment limit for Enbrel and had scheduled the first rulemaking hearing for January 17, 2025. Plaintiffs submit this supplemental notice to inform the Court that that hearing has been rescheduled for March 7, 2025. *See* Exhibit A. Board staff stated that the hearing was postponed to allow the Board time to comply with certain requirements of the Colorado Administrative Procedure Act. *See* Colo. Rev. Stat. § 24-4-103(4)(a) & (4.5)(c) (regulatory analysis must be made available five days before hearing);

id. § 24-4-103(2.5)(a) (cost-benefit analysis must be made available ten days before hearing).

Dated: January 9, 2025

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Respectfully submitted,

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EXHIBIT A

**COLORADO**Department of
Regulatory AgenciesColorado Office of Policy, Research &
Regulatory Reform

Detailed Rulemaking Information

Department/Agency

Department: Department of Regulatory Agencies**Rulemaking****Agency:** Insurance

Proposed Rule Changes

Rule Type: New Rules**Title or Subject:** UPPER PAYMENT LIMITS**Short****Description:** REVISED HEARING DATE: Upper payment limit**CCR Number:** 3 CCR 702-9**Statutory** sections 10-16-1403(1)(c), 10-16-1403(5), 10-16-1407(1)(a), and 10-16-1407(5),**Authority:** 10-16-1407(6), C.R.S.**Website for****Current Agency****Rules:****Subject** WEBINAR ONLY: The purpose of this rule is to establish an upper payment limit**Matter/Purpose:** for the prescription drug, Enbrel, pursuant to section 10-16-1407, C.R.S., and part 4.1 of these rules. The Board performed an affordability review of Enbrel and determined it was unaffordable for Colorado consumers pursuant to section 10-16-1406, C.R.S., and part 3 of these rules.**Colorado****Register****Publish Date:** 12/25/2024**Text of****Proposed****Changes:** [Draft Enbrel Proposed Rule - Part 4.doc](#) (45K, Microsoft Word)**Submitted for****Review:** 12/13/2024

Rulemaking Hearing

Hearing Date: Friday, March 7, 2025 10:00 am

Hearing

Covers: Single Rule

Hearing

Location: Webinar or 1560 Broadway, STE 850
Denver, CO 80202

Hearing Notes: Due to concerns with the spread of COVID-19, this Permanent Rulemaking Hearing will be held via WEBINAR. Please register here to attend the hearing via webinar on March 7, 2025:

<https://us06web.zoom.us/meeting/register/tZAKdOigqjkuG9wIhrT5AqppQ7J2DTJ-VJm8>

The Board will receive oral testimony regarding this permanent rule on March 7, 2025, beginning at 10:00 AM. Please visit <https://doi.colorado.gov/insurance-products/health-insurance/prescription-drug-affordability-review-board> for additional information related to hearing dates and deadlines for written submissions regarding this rule.

Contact Information

Public Contact

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Subject Information

Related Subject Area(s): Insurance

Review

Review Date: 12/31/2024

Review

Outcome: Cost-Benefit Analysis Required

Review

Findings: Cost-benefit analysis required as requested.

Deadline for

Public Cost-

Benefit

Analysis

Request: Monday, December 30th, 2024

The deadline for public cost-benefit analysis requests has passed.

Cost-Benefit Analysis

Cost-Benefit Analysis Pending



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