

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Dietz**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT MEDICAID DRUGS SHALL NOT BE
9 SUBJECT TO THERAPEUTIC SUBSTITUTION; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "TO PROVIDE THAT MEDICAID DRUGS SHALL NOT BE SUBJECT TO
14 THERAPEUTIC SUBSTITUTION."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. Subchapter 4 of Chapter 77 of Title 20 of the Arkansas Code
19 is amended by adding a section at the end thereof to read as follows:

20 "20-77-406. (a) Drugs prescribed and dispensed under the Medicaid
21 Program provided for in this subchapter shall not be subject, either directly
22 or indirectly, to therapeutic substitution.

23 (b) Therapeutic substitution means the practice whereby a drug is
24 dispensed that is chemically different from the drug prescribed by the
25 physician, without the physician's explicit approval in each case where such a
26 drug switch is being contemplated."

28 SECTION 2. All provisions of this act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

32 SECTION 3. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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