

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 789

4
5 By: Senator J. Key

For An Act To Be Entitled

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7
8 AN ACT TO PRESERVE THE PROFESSIONAL INDEPENDENCE OF A
9 PHARMACIST AND A PHARMACY; TO PROHIBIT INTERFERENCE
10 WITH THE PHARMACIST-PATIENT RELATIONSHIP OR THE
11 PRACTICE OF MEDICINE; AND FOR OTHER PURPOSES.
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Subtitle

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15 TO PRESERVE THE PROFESSIONAL INDEPENDENCE
16 OF A PHARMACIST AND A PHARMACY; TO
17 PROHIBIT INTERFERENCE WITH THE
18 PHARMACIST-PATIENT RELATIONSHIP OR THE
19 PRACTICE OF MEDICINE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1 is amended
25 to add an additional section to read as follows:

26 17-92-113. Preservation of professional responsibilities of pharmacist
27 - Prohibitions.

28 (a) As used in this section:

29 (1) "Exercise of professional responsibilities" includes without
30 limitation a pharmacist's or pharmacy's:

31 (A) Discussing any aspect of a patient's medical
32 condition, treatment alternatives, plan design, or plan options with the
33 patient;

34 (B) In good faith communicating with or advocating on
35 behalf of a patient concerning the patient's needs; or

36 (C) Asserting rights under:



1 (i) The contract with the pharmacy benefits manager;
2 or

3 (ii) State or federal law; and

4 (2) "Pharmacy benefits manager" means an entity that administers
5 or manages a pharmacy benefits plan or program.

6 (b) A pharmacy benefits manager shall not:

7 (1) Interfere with the exercise of professional
8 responsibilities to a patient by a pharmacist or a pharmacy including without
9 limitation by taking any of the following actions because of the exercise of
10 professional responsibilities to a patient by a pharmacist or a pharmacy:

11 (A) Terminating a contract with a pharmacy or pharmacist;

12 (B) Terminating, suspending, or otherwise limiting the
13 participation of a pharmacy or pharmacist in a pharmacy benefits manager's
14 provider network; or

15 (C) Auditing a pharmacy or pharmacist;

16 (2) Engage in or interfere with the practice of medicine; or

17 (3) Intervene in the practice of medicine between a prescriber
18 of medicine and the prescriber's patients.

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