

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 769 of the Regular Session

1 State of Arkansas

As Engrossed: S2/25/09 S3/12/09 S3/18/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 460

4
5 By: Senators P. Malone, Altes, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Glover, Hendren,
6 G. Jeffress, J. Jeffress, J. Key, Luker, Madison, Miller, Salmon, T. Smith, J. Taylor, Teague, R.

7 Thompson, H. Wilkins, D. Wyatt, *Whitaker*

8 By: Representatives Maxwell, Abernathy, T. Baker, Betts, T. Bradford, J. Brown, Carroll, Cash,

9 Cheatham, Cole, Dale, Davenport, Davis, J. Dickinson, Everett, Gaskill, Harrelson, House, Hyde, Kidd,

10 Lea, Lowery, McLean, Nix, Patterson, Pierce, Powers, Reep, J. Roebuck, J. Rogers, T. Rogers, Sample,

11 Shelby, G. Smith, L. Smith, Stewart, Summers, Wagner, Webb, B. Wilkins, Woods

12
13
14 **For An Act To Be Entitled**

15 *AN ACT REGARDING STATE FUNDED PHARMACY BENEFIT*
16 *PLANS; AND FOR OTHER PURPOSES.*

17
18 **Subtitle**

19 *AN ACT REGARDING STATE FUNDED PHARMACY*
20 *BENEFIT PLANS.*

21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code Title 4, Chapter 88 is amended to add an
26 additional subchapter to read as follows:

27 4-88-801. Title.

28 This subchapter shall be known and may be cited as the "Fair Disclosure
29 of State Funded Payments for Pharmacists' Services Act".

30
31 4-88-802. Definitions.

32 As used in this subchapter:

33 (1) "Pharmacy benefits manager" or "PBM" means an entity that
34 administers or manages a pharmacy benefits plan or program;

35 (2) "Pharmacy benefits plan or program" means any plan or



1 program that is funded by state dollars to furnish, cover the cost of, or
2 otherwise provide for pharmacist services to individuals who reside or are
3 employed in this state;

4 (3) "Pharmacist" means licensed pharmacist as defined in § 17-
5 92-101;

6 (4) "Pharmacist services" means products, goods, or services
7 provided as a part of the practice of pharmacy as defined in § 17-92-101 to
8 individuals who reside or are employed in this state; and

9 (5) "Pharmacy" means the same as defined in § 17-92-101.

10
11 4-88-803. Required practices.

12 (a) A PBM, when seeking payment or reimbursement for pharmacist
13 services provided in connection with a pharmacy benefits plan or program or
14 reporting expenditures for pharmacist services provided in connection with a
15 pharmacy benefits plan or program, shall itemize by individual claim:

16 (1) The amount actually paid or to be paid to the pharmacy or
17 pharmacist for the pharmacist services;

18 (2) The identity of the pharmacy or pharmacist actually paid or
19 to be paid; and

20 (3) The prescription number or other identifier of the
21 pharmacist services.

22 (b) A PBM shall pay the amounts it receives for pharmacist services
23 provided in connection with a pharmacy benefits plan or program to the
24 pharmacies or pharmacists that provided the pharmacist services.

25 (c) This section does not:

26 (1) Require a PBM to set specific fees, rates, or schedules for
27 payment for pharmacist services;

28 (2) Prohibit a PBM from charging for any services in addition to
29 pharmacist services; or

30 (3) Require a PBM to pay a pharmacy or pharmacist more on any
31 claim than the amount disclosed under subdivision (a)(1) of this section.

32
33 4-88-804. Enforcement.

34 A violation of this subchapter is a deceptive and unconscionable trade
35 practice under the Deceptive Trade Practices Act, § 4-88-101 et seq.

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/s/ P. Malo

APPROVED: 4/2/2009e