

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/9/11 S3/24/11

A Bill

SENATE BILL 789

5 By: Senator J. Key
6

For An Act To Be Entitled

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

14 TO PRESERVE THE PROFESSIONAL INDEPENDENCE
15 OF A PHARMACIST AND A PHARMACY; TO
16 PROHIBIT INTERFERENCE WITH THE
17 PHARMACIST-PATIENT RELATIONSHIP OR THE
18 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, or plan options with the patient;

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

35 (C) Asserting rights under:

36 (i) The contract with the pharmacy benefits manager;



1 or

2 (ii) State or federal law; and

3 (2) "Pharmacy benefits manager" means a non-governmental entity
4 that administers or manages a pharmacy benefits plan or program.

5 (b) A pharmacy benefits manager shall not interfere with the exercise
6 of professional responsibilities to a patient by a pharmacist or a pharmacy.

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8 /s/J. Key

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11 **APPROVED: 04/01/2011**

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