

1 State of Arkansas *As Engrossed: S2/26/15 S3/3/15 S3/5/15 S3/23/15*
2 90th General Assembly
3 Regular Session, 2015

A Bill

SENATE BILL 542

4
5 By: Senators Rapert, Caldwell, J. Hendren, J. Hutchinson, Maloch, G. Stubblefield
6 By: Representatives D. Douglas, Broadaway, Eubanks, D. Ferguson, Jett, Vaught

For An Act To Be Entitled

9 AN ACT TO MODIFY THE RESPONSIBILITIES OF A PHARMACY
10 BENEFITS MANAGER AND PATIENT RIGHTS REGARDING PAYMENT
11 FOR *PHARMACISTS SERVICES*; AND FOR OTHER PURPOSES.

Subtitle

15 TO MODIFY THE RESPONSIBILITIES OF A
16 PHARMACY BENEFITS MANAGER AND PATIENT
17 RIGHTS REGARDING PAYMENT *FOR PHARMACISTS*
18 *SERVICES*.

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

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

26 *Subchapter 10 — Patient Rights Regarding Payment for Pharmacists Services*
27 *Act*

29 *4-88-1001. Title.*

30 *This subchapter shall be known and may be cited as the "Patient Rights*
31 *Regarding Payment for Pharmacists Services Act".*

33 *4-88-1002. Definitions.*

34 *As used in this subchapter:*

35 *(1) "Pharmacy benefits manager" means an entity that administers*
36 *or manages a pharmacy benefits plan or program;*



1 (2) "Pharmacy benefits plan or program" means any plan or
2 program that pays for, reimburses, covers the cost of, or otherwise provides
3 for pharmacists services to individuals who reside or are employed in this
4 state;

5 (3) "Pharmacist" means a licensed pharmacist as defined in § 17-
6 92-101;

7 (4) "Pharmacists services" means products, goods, or services
8 provided as a part of the practice of pharmacy as defined in § 17-92-
9 101(16)(A), to individuals who reside or are employed in this state;

10 (5) "Pharmacy" means the same as defined in § 17-92-101(12); and

11 (6) "Provider choice" means an individual's choice of provider
12 network, individual pharmacy or pharmacist, or method of delivery under a
13 pharmacy benefits plan or program; and

14 (7) "Provider network" means a network of pharmacists or
15 pharmacies that are authorized by a pharmacy benefits plan or program to
16 provide pharmacists services.

17
18 4-88-1003. Change in choice of provider without express consent -
19 Prohibited.

20 (a) When an individual's consent to altering or changing provider
21 choice is required, the individual's express consent to effect such change
22 within the pharmacy benefits plan or program provider network shall be
23 obtained.

24 (b) An alteration or change in provider choice that is subject to an
25 individual's later opting out of the alteration or change does not satisfy
26 subsection (a) of this section.

27
28 4-88-1004. Limitation — Patient payment.

29 An individual shall not be required to make a payment for pharmacists
30 services in an amount greater than the pharmacist or pharmacy providing the
31 pharmacists services may retain from all payment sources.

32
33 4-88-1005. Enforcement.

34 The Insurance Commissioner shall:

35 (1) Enforce this subchapter using powers granted to the
36 commissioner in the Arkansas Insurance Code; and

1 (2) Be entitled to seek an injunction against a pharmacy
2 benefits manager in a court of competent jurisdiction.

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4 /s/Rapert

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6 **APPROVED: 04/04/2015**
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