

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 520

TO CLARIFY THE STATE INSURANCE DEPARTMENT'S REGULATORY AND ENFORCEMENT
AUTHORITY CONCERNING PHARMACY BENEFITS MANAGERS; TO MODIFY THE ARKANSAS
PHARMACY BENEFITS MANAGER LICENSURE ACT; AND TO DECLARE AN EMERGENCY.

Amendment No. 1 to Senate Bill 520

Amend Senate Bill No. 520 as originally introduced:

Add Senators Caldwell, G. Leding, Maloch, B. Sample as cosponsors of the bill

AND

Add Representatives M. Gray, Burch, M. Davis, D. Douglas, Eaves, Evans, V.
Flowers, Gazaway, Hillman, Jett, Lowery, Lundstrum, Murdock, Pilkington,
Vaught, D. Whitaker as cosponsors of the bill

AND

Page 5, delete line 27, and substitute the following:
"pharmacist services.

SECTION 7. Arkansas Code § 23-92-503(13), concerning the definition of
"rebate" under the Arkansas Pharmacy Benefits Manager Licensure Act, is
amended to read as follows:

(13)(A) "Rebate" means a discount or other price concession, or
a payment that is:

(i) ~~based~~ Based on utilization of a prescription
drug; and

(ii) ~~that is paid~~ Paid by a manufacturer or third
party, directly or indirectly, to a pharmacy benefits manager, pharmacy
services administrative organization, or pharmacy after a claim has been
processed and paid at a pharmacy.

(B) "Rebate" includes without limitation incentives,
disbursements, and reasonable estimates of a volume-based discount; and"

AND

Page 5, line 29, delete "SECTION 7" and substitute "SECTION 8"



AND

Page 7, line 1, delete "SECTION 8" and substitute "SECTION 9"

AND

Page 7, line 17, delete "The amount" and substitute "The aggregate amount"

AND

Page 7, line 19, delete "The amount" and substitute "The aggregate amount"

AND

Page 7, delete lines 21 through 26, and substitute the following:

"(C) The aggregate amount of rebates passed on to the enrollees of each healthcare insurer at the point of sale that reduced the enrollees applicable deductible, copayment, coinsurance, or other cost-sharing amount;

(D) The individual and aggregate amount paid by the healthcare insurer to the pharmacy benefits manager for pharmacist services itemized by pharmacy, by product, and by goods and services; and

(E) The individual and aggregate amount a pharmacy benefits manager paid for pharmacist services itemized by pharmacy, by product, and by goods and services."

AND

Page 7, line 36, delete "SECTION 9" and substitute "SECTION 10"

AND

Page 8, delete line 30, and substitute the following:

~~"(b)(1)-(4)~~ subdivisions (b)(1)-(5) of this section.

SECTION 11. Arkansas Code § 23-92-506(c), concerning the denial of claims for pharmacist services, is amended to read as follows:

(c) A claim or aggregate of claims for pharmacist services shall not be directly or indirectly retroactively denied or reduced after adjudication of the claim or aggregate of claims unless:

(1) The original claim was submitted fraudulently;

(2) The original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the pharmacist services; or

(3) The pharmacist services were not properly rendered by the pharmacy or pharmacist."

AND

Appropriately renumber the remaining sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator K. Hammer

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Secretary