

# Hall of the House of Representatives

89th General Assembly - Regular Session, 2013

## Amendment Form

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### Subtitle of House Bill No. 1184

TO REQUIRE THE ARKANSAS STATE BOARD OF PHARMACY TO DETERMINE AND PREPARE A LIST OF PRESCRIPTION DRUGS THAT ARE CONSIDERED SPECIALTY DRUGS BY A PHARMACY BENEFITS MANAGER.

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### Amendment No. 1 to House Bill No. 1184

Amend House Bill No. 1184 as originally introduced:

Delete everything after the Enacting clause and substitute the following:

SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1 is amended to add an additional section to read as follows:

17-92-115. Specialty drugs.

(a) As used in this section:

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

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

(3) "Pharmacy" means the same as defined in § 17-92-101;

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

(5) "Pharmacy benefits plan or program" or "PBM" means a plan or program that pays for, reimburses, covers the cost of, or otherwise provides for pharmacist services to individuals who reside or are employed in this state;

(6) "Specialty drug" means a prescription drug that requires special handling, special administration, unique inventory management, a high level of patient monitoring, or more intense patient support than conventional therapies; and

(7) "Specialty Drug Formulary" means the list of specialty drugs recognized by the Arkansas State Board of Pharmacy.

(b) The board shall determine and prepare the Specialty Drug Formulary.

(c) Every six (6) months, the board shall publish its proposed Specialty Drug Formulary under the rule-making provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) Only a prescription drug that is on the Specialty Drug Formulary published by the board may be designated a specialty drug by a board member.

(e) A licensed pharmacy or licensed pharmacist in the state may fill a



prescription for a specialty drug if the licensed pharmacy or licensed pharmacist:

- (1) Is in the covered network of a pharmacy benefits manager;
  - (2) Has the specialty drug in inventory or has ready access to the specialty drug; and
  - (3) Is capable of complying with the special handling, special administration, inventory management, patient monitoring, and patient support requirements for the specialty drug.
- (f) A pharmacy benefits manager shall not require a specialty drug to be dispensed by mail order.
- (g) A specialty drug designated by a pharmacy benefits manager as a specialty drug on a pharmacy benefits plan or program formulary and dispensed by a retail pharmacy shall be reimbursed at the current contractual brand tier reimbursement rate specified in the contract between the pharmacy benefits manager and the retail pharmacy.
- (h) This section does not prohibit Medicare or Medicaid from maintaining a separate specialty drug list.
- (i) The board may impose a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) for a violation of this section.

The Amendment was read \_\_\_\_\_  
By: Representative Wright  
MGF/NJR - 02-05-2013 15:08:41  
MGF159

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Chief Clerk