

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1544

By: Representatives Cunningham, Landers, B. Wood,  
Newman, Gibson, Mitchell, McGee, Collier, Gilbert,  
Lipton, Willems, Rice, Dugger, Ellis, Flanagan and  
Calhoun

For An Act To Be Entitled

"AN ACT TO PROVIDE EQUAL ACCESS TO CARE UNDER THE ARKANSAS  
MEDICAID PRESCRIPTION DRUG PROGRAM."

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

SECTION 1. Definitions. For purposes of this Act:

(a) "Drug or pharmaceutical agent" means any legend drug approved by the federal Food and Drug Administration, except any drug used for cosmetic purposes.

(b) "Medicaid eligible" means any person qualified to receive prescription drug coverage under the Arkansas Title XIX Program.

(c) "Medically necessary" means in accordance with an appropriate treatment plan.

(d) "Medicaid Pharmacy Advisory Committee" means a committee appointed by the Director, Department of Human Services and further defined in Section 4 of this Act.

(e) "Medicaid formulary" means the list of drugs approved for reimbursement by the Department of Human Services for the Arkansas Medicaid Prescription Drug Program.

SECTION 2. (a) Provided that the annual available budget is sufficient, no Medicaid eligible shall be denied any drug or pharmaceutical agent that a practitioner in his professional judgment and within the lawful scope of his practice considers appropriate for the diagnosis and treatment of his patient.

(b) Reimbursement for multisource legend drugs may be limited to generic upper limits in accordance with state and federal law unless an exception has been made by the prescribing practitioner.

SECTION 3. The Director, Department of Human Services, is hereby authorized to appoint a "Medicaid Pharmacy Advisory Committee." This Committee shall be composed of two physicians actively practicing medicine in the State of Arkansas, two pharmacists actively practicing pharmacy in the State of Arkansas, and one representative from a pharmaceutical manufacturing company. The present members of the Committee and the additional member shall serve at the will of the Director. This Committee shall meet at least quarterly and will advise the Department on any issues relating to the administration of the Medicaid Prescription Drug Program.

SECTION 4. The Medicaid Pharmacy Advisory Committee shall be consulted prior to the implementation of any new cost control mechanisms. The Advisory Committee shall assist the Department in revising the program as needed to fall within the annual available budget while continually striving to preserve the spirit of this Act. The Medicaid Pharmacy Advisory Committee shall have the responsibility of recommending to the Director the inclusion or exclusion of pharmacy drugs on the formulary, the number of prescriptions available to Medicaid recipients, etc. In no event shall an approved pharmacy reimbursement be reduced or eliminated.

SECTION 5. Provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated, and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. This Act shall be effective July 1, 1989.

SECTION 8. Emergency. It is hereby found and determined by the General Assembly that the biennial appropriation for the Medicaid Prescription Drug Program goes into effect July 1, 1989 and that this Act should become effective at the beginning of the biennium. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force

and effect from and after July 1, 1989.