

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H2/26/09

# A Bill

HOUSE BILL 1601

5 By: Representatives Maxwell, Abernathy, T. Baker, Betts, T. Bradford, J. Brown, Carroll, Cash,  
6 Cheatham, Cole, Dale, Davenport, Davis, J. Dickinson, Everett, Gaskill, Harrelson, House, Hyde, Kidd,  
7 Lea, Lowery, McLean, Nix, Patterson, Pierce, Powers, Reep, J. Roebuck, J. Rogers, T. Rogers, Sample,  
8 Shelby, G. Smith, L. Smith, Stewart, Summers, Wagner, Webb, B. Wilkins, Woods  
9 By: Senators P. Malone, Altes, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Glover, Hendren,  
10 G. Jeffress, J. Jeffress, J. Key, Luker, Madison, Miller, Salmon, T. Smith, J. Taylor, Teague, R.  
11 Thompson, H. Wilkins, D. Wyatt, *Whitaker*  
12  
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## For An Act To Be Entitled

15 AN ACT TO REQUIRE FAIR DISCLOSURE TO EMPLOYERS,  
16 INSURANCE COMPANIES, AND OTHERS OF PAYMENTS FOR  
17 PHARMACISTS' SERVICES; TO PROHIBIT DECEPTIVE AND  
18 UNCONSCIONABLE TRADE PRACTICES OF PHARMACY  
19 BENEFITS MANAGERS; TO PRESCRIBE PENALTIES; AND  
20 FOR OTHER PURPOSES.  
21

## Subtitle

23 THE FAIR DISCLOSURE TO EMPLOYERS,  
24 INSURANCE COMPANIES, AND OTHERS OF  
25 PAYMENTS FOR PHARMACISTS' SERVICES ACT.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code Title 4, Chapter 88 is amended to add an  
31 additional subchapter to read as follows:

32 4-88-801. Title.

33 This subchapter shall be known and may be cited as the "Fair Disclosure  
34 to Employers, Insurance Companies, and others of Payments For Pharmacists'  
35 Services Act".  
36



1           4-88-802. Definitions.

2           As used in this subchapter:

3                   (1) "Pharmacy benefits manager" or "PBM" means an entity that  
4 administers or manages a covered entity's pharmacy benefits plan or program;

5                   (2)(A) "Covered entity" means:

6                           (i) A hospital service corporation, medical service  
7 corporation, hospital and medical service corporation, insurer, health  
8 coverage plan, or health maintenance organization;

9                           (ii) A health program administered by the state or  
10 any agency or department of the state; and

11                           (iii) An employer, labor union, or other group of  
12 persons.

13                   (B) "Covered entity" does not include:

14                           (i) A health plan that provides coverage only for  
15 accidental injury, specified disease, hospital indemnity; or

16                           (ii) Medicare supplement, disability income, long-  
17 term care or other limited benefit health insurance policies and contracts;

18                   (3) "Pharmacy benefits plan or program" means any plan or  
19 program that furnishes, covers the cost of, or otherwise provides for  
20 pharmacist services to individuals who reside or are employed in this state;

21                   (4) "Pharmacist" means licensed pharmacist as defined in § 17-  
22 92-101;

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

26                   (6) "Pharmacy" means the same as defined in § 17-92-101.

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28           4-88-803. Required practices.

29           (a) A PBM, when seeking payment or reimbursement for pharmacist  
30 services or reporting expenditures for pharmacist services, shall itemize by  
31 individual claim:

32                   (1) The amount actually paid or to be paid to the pharmacy or  
33 pharmacist for the pharmacist services;

34                   (2) The identity of the pharmacy or pharmacist actually paid or  
35 to be paid; and

36                   (3) The prescription number or other identifier of the

1 pharmacist services.

2 (b) A PBM shall pay the amounts it receives for pharmacist services to  
3 the pharmacies or pharmacists that provided the pharmacist services.

4 (c) This section does not:

5 (1) Require a PBM to set specific fees, rates, or schedules for  
6 payment for pharmacist services;

7 (2) Prohibit a PBM from charging for any services in addition to  
8 pharmacist services; or

9 (3) Require a PBM to pay a pharmacy or pharmacist more on any  
10 claim than the amount disclosed under subdivision (a)(1) of this section.

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12 4-88-804. Enforcement.

13 A violation of this subchapter is a deceptive and unconscionable trade  
14 practice under the Deceptive Trade Practices Act, § 4-88-101 et seq.

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16 */s/ Maxwell*  
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