

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: S2/25/09

# A Bill

SENATE BILL 460

5 By: Senators P. Malone, Altes, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Glover, Hendren,  
6 G. Jeffress, J. Jeffress, J. Key, Luker, Madison, Miller, Salmon, T. Smith, J. Taylor, Teague, R.  
7 Thompson, H. Wilkins, D. Wyatt, *Whitaker*  
8 By: Representatives Maxwell, Abernathy, T. Baker, Betts, T. Bradford, J. Brown, Carroll, Cash,  
9 Cheatham, Cole, Dale, Davenport, Davis, J. Dickinson, Everett, Gaskill, Harrelson, House, Hyde, Kidd,  
10 Lea, Lowery, McLean, Nix, Patterson, Pierce, Powers, Reep, J. Roebuck, J. Rogers, T. Rogers, Sample,  
11 Shelby, G. Smith, L. Smith, Stewart, Summers, Wagner, Webb, B. Wilkins, Woods  
12  
13

## For An Act To Be Entitled

14 *AN ACT REGARDING STATE FUNDED PHARMACY BENEFIT*  
15 *PLANS; AND FOR OTHER PURPOSES.*  
16  
17

## Subtitle

18 *AN ACT REGARDING STATE FUNDED PHARMACY*  
19 *BENEFIT PLANS.*  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

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

27 4-88-801. Title.

28 This subchapter shall be known and may be cited as the "Fair Disclosure  
29 of State Funded Payments for Pharmacists' Services Act".  
30

31 4-88-802. Definitions.

32 As used in this subchapter:

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

35 (2) "Pharmacy benefits plan or program" means any plan or  
36 program that uses state dollars to furnish, cover the cost of, or otherwise



1 provide for pharmacist services to individuals who reside or are employed in  
2 this state;

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

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

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

9  
10 4-88-803. Required practices.

11 (a) A PBM, when seeking payment or reimbursement for pharmacist  
12 services or reporting expenditures for pharmacist services, shall itemize by  
13 individual claim:

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

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

18 (3) The prescription number or other identifier of the  
19 pharmacist services.

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

22 (c) This section does not:

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

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

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

29  
30 4-88-804. Enforcement.

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

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34 */s/ P. Malone*