

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 *As Engrossed: S2/25/09 S3/12/09 S3/18/09*

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 460

4

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

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13

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For An Act To Be Entitled

15

AN ACT REGARDING STATE FUNDED PHARMACY BENEFIT

16

PLANS; AND FOR OTHER PURPOSES.

17

18

Subtitle

19

AN ACT REGARDING STATE FUNDED PHARMACY

20

BENEFIT PLANS.

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

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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.

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

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4-88-802. Definitions.

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As used in this subchapter:

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

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(2) "Pharmacy benefits plan or program" means any plan or program that is funded by state dollars to furnish, cover the cost of, or

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1 otherwise provide for pharmacist services to individuals who reside or are
2 employed in 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.

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10 4-88-803. Required practices.

11 (a) A PBM, when seeking payment or reimbursement for pharmacist
12 services provided in connection with a pharmacy benefits plan or program or
13 reporting expenditures for pharmacist services provided in connection with a
14 pharmacy benefits plan or program, shall itemize by individual claim:

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

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

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

21 (b) A PBM shall pay the amounts it receives for pharmacist services
22 provided in connection with a pharmacy benefits plan or program to the
23 pharmacies or pharmacists that provided the pharmacist services.

24 (c) This section does not:

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

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

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

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32 4-88-804. Enforcement.

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

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36 /s/ P. Malone