

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

As Engrossed: S2/26/15

# A Bill

SENATE BILL 542

5 By: Senators Rapert, Caldwell, J. Hendren, J. Hutchinson, Maloch, G. Stubblefield  
6 By: Representatives D. Douglas, Broadway, Eubanks, D. Ferguson, Jett, Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO MODIFY THE RESPONSIBILITIES OF A PHARMACY  
10 BENEFITS MANAGER AND PATIENT RIGHTS REGARDING PAYMENT  
11 FOR PHARMACISTS' SERVICES; AND FOR OTHER PURPOSES.  
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### Subtitle

15 TO MODIFY THE RESPONSIBILITIES OF A  
16 PHARMACY BENEFITS MANAGER AND PATIENT  
17 RIGHTS REGARDING PAYMENT FOR PHARMACISTS'  
18 SERVICES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 *SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an*  
24 *additional subchapter to read as follows:*  
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26 *Subchapter 9 – Patient Rights Regarding Payment for Pharmacists' Services Act*  
27

28 *4-88-901. Title.*

29 *This subchapter shall be known and may be cited as the "Patient Rights*  
30 *Regarding Payment for Pharmacists' Services Act".*  
31

32 *4-88-902. Definitions.*

33 *As used in this subchapter:*

34 *(1) "Copayment means a financial payment or contribution*  
35 *required from an individual to receive pharmacist services, including a*  
36 *deductible or copayment, under a pharmacy benefits plan or program;*



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

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

7 (4) "Pharmacist" means a licensed pharmacist as defined in § 17-  
8 92-101;

9 (5) "Pharmacist services" means products, goods, or services  
10 provided as a part of the practice of pharmacy as defined in § 17-92-101;

11 (6) "Provider choice" means an individual's choice of provider  
12 network, individual pharmacy or pharmacist, or method of delivery under a  
13 pharmacy benefits plan or program.

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15 4-88-903. Explanation of benefits.

16 (a) A pharmacy benefits manager that pays or directs payment or  
17 reimburses or directs reimbursement for pharmacists' services provided with a  
18 pharmacy benefits plan or program shall provide the individual receiving the  
19 pharmacists' services a quarterly written explanation of benefits, itemized  
20 by each individual claim, that includes the:

21 (1) Identity of the pharmacist or pharmacy providing the  
22 pharmacist services;

23 (2) Prescription number or other identifier of the pharmacists'  
24 services;

25 (3) Amount paid to the pharmacist or pharmacy by the individual;

26 (4) Amount paid to the pharmacist or pharmacy by the pharmacy  
27 benefits plan or program; and

28 (5) Amount paid or to be paid to the pharmacy benefits manager  
29 by the pharmacy benefits plan or program for the pharmacists' services with  
30 regard to the claim.

31 (b) Instead of providing a quarterly written explanation of benefits,  
32 a pharmacy benefits manager may maintain in electronic form the information  
33 described in subsection (a) of this section that are accessible by the  
34 individual receiving pharmacists' services.

35  
36 4-88-904. Change in choice of provider without express consent -

1 Prohibited.

2 (a) When an individual's consent to altering or changing provider  
3 choice is required, a pharmacy benefits manager must obtain the individual's  
4 express written consent to effect such change.

5 (b) An alteration or change in provider choice that is subject to an  
6 individual's later opting out of the alteration or change does not satisfy  
7 subsection (a) of this section.

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9 4-88-905. Limitation – Copayment.

10 A pharmacy benefits manager shall not require an individual to make a  
11 copayment for pharmacists' services in an amount greater than the pharmacy  
12 benefits manager pays a pharmacist or a pharmacy providing the pharmacists'  
13 services.

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15 */s/Rapert*

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