

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S2/26/15 S3/3/15 S3/5/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 542

4

5 By: Senators Rapert, Caldwell, J. Hendren, J. Hutchinson, Maloch, G. Stubblefield

6 By: Representatives D. Douglas, Broadway, Eubanks, D. Ferguson, Jett, Vaught

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For An Act To Be Entitled

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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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13

14

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 10 — Patient Rights Regarding Payment for Pharmacists Services*

27 *Act*

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29 *4-88-1001. Title.*

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

32

33 *4-88-1002. Definitions.*

34 *As used in this subchapter:*

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



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

5 (3) "Pharmacist" means a licensed pharmacist as defined in § 17-
6 92-101;

7 (4) "Pharmacists services" means products, goods, or services
8 provided as a part of the practice of pharmacy as defined in § 17-92-
9 101(16)(A), to individuals who reside or are employed in this state;

10 (5) "Pharmacy" means the same as defined in § 17-92-101(12); and

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; and

14 (7) "Provider network" means a network of pharmacists or
15 pharmacies that are authorized by a pharmacy benefits plan or program to
16 provide pharmacists services.

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18 4-88-1003. Explanation of benefits.

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

24 (1) Identity of the pharmacist or pharmacy providing the
25 pharmacist services;

26 (2) Prescription number or other identifier of the pharmacists
27 services;

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

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

31 (5) Amount paid or to be paid to the pharmacy benefits manager
32 by the pharmacy benefits plan or program for the pharmacists services with
33 regard to the claim, exclusive of fees, if any, paid to the pharmacy benefits
34 manager by the pharmacy benefits plan.

35 (b) Instead of providing a quarterly written explanation of benefits,
36 a pharmacy benefits manager may maintain in electronic form the information

1 described in subsection (a) of this section that is accessible by the
2 individual receiving pharmacists services.

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4 4-88-1004. Change in choice of provider without express consent –
5 Prohibited.

6 (a) When an individual's consent to altering or changing provider
7 choice is required, a pharmacy benefits manager must obtain the individual's
8 express written consent to effect such change within the pharmacy benefits
9 plan or program provider network.

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

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14 4-88-1005. Limitation — Patient payment.

15 A pharmacy benefits manager shall not require an individual to make a
16 payment for pharmacists services in an amount greater than the pharmacy
17 benefits manager determines a pharmacist or pharmacy providing the
18 pharmacists services may retain from all payment sources.

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20 4-88-1006. Enforcement.

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

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24 /s/Rapert
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