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4

As Engrossed: S4/19/21

A Bill

SENATE BILL 617

5 By: Senators Rapert, Bledsoe, Caldwell, Elliott, K. Hammer, K. Ingram
6 By: Representatives L. Johnson, M. Davis, Evans, D. Ferguson, V. Flowers, M. Gray, M. Hodges,
7 Murdock

For An Act To Be Entitled

10 AN ACT TO REQUIRE WRITTEN CONSENT OF A PATIENT TO
11 TRANSFER A PRESCRIPTION FROM A PHARMACY; TO REQUIRE
12 DISCLOSURE BY A PHARMACY BENEFITS MANAGER, HEALTHCARE
13 INSURER, PHARMACY, PHARMACIST, PHYSICIAN, OR HOSPITAL
14 OF OWNERSHIP INTEREST OR POSSIBLE CONFLICTS OF
15 INTEREST; TO PROHIBIT DATA MINING OF PATIENT
16 INFORMATION BY PHARMACY BENEFITS MANAGERS, HEALTHCARE
17 INSURERS, PHARMACIES, AND PHARMACISTS; AND FOR OTHER
18 PURPOSES.

Subtitle

21 TO REQUIRE WRITTEN CONSENT OF A PATIENT
22 TO TRANSFER A PRESCRIPTION FROM A
23 PHARMACY; TO REQUIRE CERTAIN DISCLOSURES
24 OF OWNERSHIP INTEREST OR POSSIBLE
25 CONFLICTS OF INTEREST; AND TO PROHIBIT
26 DATA MINING OF PATIENT INFORMATION.
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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32 SECTION 1. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
33 amended to add an additional section to read as follows:

34 17-92-118. New prescription requests and new refill requests from
35 prescriber.

36 (a) A pharmacy, pharmacist, employee of a pharmacy, or entity who owns



1 or controls, is owned or controlled by, or is under ownership or control with
2 an insurance company, health clinic, rural health center, federally qualified
3 health center, pharmacy benefits manager, pharmaceutical manufacturer,
4 pharmaceutical wholesaler, or pharmacy benefits manager affiliate shall not
5 request or solicit:

6 (1) Refill requests for prescription medications from a
7 prescriber for a patient who has not previously filled prescriptions with the
8 pharmacy without express written consent for each individual prescription
9 requested; or

10 (2) New prescription medications from a prescriber for a patient
11 who has not previously filled prescriptions with the pharmacy without express
12 written consent for each individual prescription requested.

13 (b)(1) When a physician or other licensed prescriber authorizes or
14 provides new prescriptions or refill medications to a pharmacy that is not
15 physically located in this state or to a pharmacy that utilizes common
16 carriers to deliver medications through the mail for a new patient who has
17 not previously received pharmacist services or prescriptions filled through
18 that pharmacy, that pharmacy shall:

19 (A) Establish a professional relationship between a
20 pharmacist and the patient by telephone or telemedicine consult;

21 (B) Obtain express consent to provide pharmacist services
22 before any prescription medication being processed, filled, mailed, or
23 delivered to a patient; and

24 (C) Include communication to the patient about:

25 (i) The address and physical city and state of the
26 pharmacy;

27 (ii) The name of the licensed pharmacist who will be
28 providing services;

29 (iii) The telephone number and website for the
30 pharmacy;

31 (iv) Expectations for time of delivery of
32 prescription medications; and

33 (v) Disclosure of any conflicts of interest
34 including common ownership of the pharmacy by a health care insurer, pharmacy
35 benefit manager, medical clinic, federal qualified health center, rural
36 health center, hospital, pharmaceutical wholesaler, or pharmaceutical

1 manufacturer.

2 (2) If the conditions within subdivision (b)(1) of this section
3 are not met, then the pharmacy and pharmacist shall not fill, bill, dispense,
4 or mail any prescription medications to the patient.

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6 SECTION 2. Arkansas Code Title 17, Chapter 92, Subchapter 4, is
7 amended to add an additional section to read as follows:

8 17-92-413. Disclosure of ownership interest or possible conflicts of
9 interest required – Prohibition on data mining.

10 A pharmacy, pharmacist, physician, employee, or entity who owns or
11 controls, is owned or controlled by, or is under ownership or control with an
12 insurance company, health clinic, hospital, rural health center, federally
13 qualified health center, pharmacy benefits manager, pharmaceutical
14 manufacturer, pharmaceutical wholesaler, or pharmacy benefits manager that
15 provides a pharmacy benefits plan or program, including prescription drug
16 coverage, or contracts with a third party for prescription drug services
17 under a health benefit plan shall:

18 (1) Disclose to the consumer any ownership interest or possible
19 conflicts of interest with a pharmacy benefits manager, healthcare insurer,
20 or healthcare payor; and

21 (2) Not access and utilize patient information including either
22 medical information in patient charts or billing claims information to market
23 or contact patients in order to solicit the transfer of the patient to a
24 particular pharmacy.

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26 */s/Rapert*
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