

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

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1184

By: Representative Wright

For An Act To Be Entitled

AN ACT TO REQUIRE THE ARKANSAS STATE BOARD OF PHARMACY TO DETERMINE AND PREPARE A LIST OF PRESCRIPTION DRUGS THAT ARE CONSIDERED SPECIALTY DRUGS BY A PHARMACY BENEFITS MANAGER; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THE ARKANSAS STATE BOARD OF PHARMACY TO DETERMINE AND PREPARE A LIST OF PRESCRIPTION DRUGS THAT ARE CONSIDERED SPECIALTY DRUGS BY A PHARMACY BENEFITS MANAGER.

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

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

17-92-115. Specialty drugs.

(a) As used in this section, "specialty drug" means a prescription drug that requires special handling, special administration, unique inventory management, a high level of patient monitoring, or more intense patient support than conventional therapies.

(b) The Arkansas State Board of Pharmacy shall determine and prepare a list of the prescription drugs that are considered specialty drugs by a pharmacy benefits manager.

(c) Every six (6) months, the board shall publish its list of specialty drugs as required under the Arkansas Administrative Procedure Act,



§ 25-15-201 et seq.

(d) If a pharmacy benefits manager intends to designate certain prescription drugs as specialty drugs on a formulary, the pharmacy benefits manager shall designate on the formulary only prescription drugs that are on the list of specialty drugs published by the board.

(e) A pharmacy benefits manager shall allow any licensed pharmacy or licensed pharmacist in the state to fill a prescription for a specialty drug if the licensed pharmacy or licensed pharmacist:

(1) Has a contract with the pharmacy benefits manager;

(2) Has the specialty drug in inventory or has ready access to the specialty drug; and

(3) Is capable of complying with any special handling, special administration, inventory management, patient monitoring, or patient support requirements for the specialty drug.

(f) A pharmacy benefits manager shall not require a specialty drug to be dispensed by mail order.

(g) A specialty drug designated by a pharmacy benefits manager as a sponsor plan formulary designated specialty drug and dispensed by a retail pharmacy shall be reimbursed at the current contractual brand or generic tier reimbursement rate specified in the contract between the pharmacy benefits manager and the retail pharmacy.

SECTION 2. Arkansas Code § 17-92-205(a), concerning rules and enforcement of the Arkansas State Board of Pharmacy, is amended to add an additional subdivision to read as follows:

(3) The board shall by rule comply with § 17-92-115.