

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

State of Arkansas *As Engrossed: S2/26/15 S3/3/15 S3/5/15 S3/23/15*

90th General Assembly

A Bill

Regular Session, 2015

SENATE BILL 542

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

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

For An Act To Be Entitled

AN ACT TO MODIFY THE RESPONSIBILITIES OF A PHARMACY
BENEFITS MANAGER AND PATIENT RIGHTS REGARDING PAYMENT
FOR *PHARMACISTS SERVICES*; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE RESPONSIBILITIES OF A
PHARMACY BENEFITS MANAGER AND PATIENT
RIGHTS REGARDING PAYMENT *FOR PHARMACISTS*
SERVICES.

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

SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an additional subchapter to read as follows:

Subchapter 10 — Patient Rights Regarding Payment for Pharmacists Services Act

4-88-1001. Title.

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

4-88-1002. Definitions.

As used in this subchapter:

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



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

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

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

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

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

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

4-88-1003. Change in choice of provider without express consent – Prohibited.

(a) When an individual's consent to altering or changing provider choice is required, the individual's express consent to effect such change within the pharmacy benefits plan or program provider network shall be obtained.

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

4-88-1004. Limitation — Patient payment.

An individual shall not be required to make a payment for pharmacists services in an amount greater than the pharmacist or pharmacy providing the pharmacists services may retain from all payment sources.

4-88-1005. Enforcement.

The Insurance Commissioner shall:

(1) Enforce this subchapter using powers granted to the commissioner in the Arkansas Insurance Code; and

(2) Be entitled to seek an injunction against a pharmacy benefits manager in a court of competent jurisdiction.

/s/Rapert