Title 4  Business and Commercial Law  
Subtitle 7.  Consumer Protection  
Chapter 88  Deceptive Trade Practices  
Subchapter 8  -- Fair Disclosure of State Funded Payments for Pharmacists' Services Act  

A.C.A. § 4-88-801 (2012)

4-88-801. Title.

This subchapter shall be known and may be cited as the "Fair Disclosure of State Funded Payments for Pharmacists' Services Act".


A.C.A. § 4-88-802 (2012)

4-88-802. Definitions.

As used in this subchapter:

(1) "Pharmacy benefits manager" or "PBM" 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 is funded by state dollars to furnish, cover the cost of, or otherwise provide for pharmacist services to individuals who reside or are employed in this state;

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

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

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


A.C.A. § 4-88-803 (2012)

4-88-803. Required practices.

(a) A PBM, when seeking payment or reimbursement for pharmacist services provided in connection with a pharmacy benefits plan or program or reporting expenditures for pharmacist services provided in connection with a pharmacy benefits plan or program, shall itemize by individual claim:

(1) The amount actually paid or to be paid to the pharmacy or pharmacist for the pharmacist services;

(2) The identity of the pharmacy or pharmacist actually paid or to be paid; and

(3) The prescription number or other identifier of the pharmacist services.
(b) A PBM shall pay the amounts it receives for pharmacist services provided in connection with a pharmacy benefits plan or program to the pharmacies or pharmacists that provided the pharmacist services.

(c) This section does not:

   (1) Require a PBM to set specific fees, rates, or schedules for payment for pharmacist services;

   (2) Prohibit a PBM from charging for any services in addition to pharmacist services; or

   (3) Require a PBM to pay a pharmacy or pharmacist more on any claim than the amount disclosed under subdivision (a)(1) of this section.

**HISTORY:** Acts 2009, No. 769, § 1.

A.C.A. § 4-88-804 (2012)

4-88-804. Enforcement.

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