

REFERENCE TITLE: insurer responsibility; pharmacy benefits

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2167

Introduced by
Representatives Barto: Cobb

AN ACT

AMENDING SECTION 20-3321, ARIZONA REVISED STATUTES; AMENDING TITLE 20, CHAPTER 25, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO PHARMACY BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-3321, Arizona Revised Statutes, is amended to
3 read:

4 20-3321. Definitions

5 In this ~~article~~ CHAPTER, unless the context otherwise requires:

6 1. "Auditing entity" means any person, company, group or plan
7 working on behalf of or pursuant to a contract with an insurer or pharmacy
8 benefits manager for the purposes of auditing pharmacy drug claims
9 adjudicated by pharmacies.

10 2. "Clerical errors" means a minor recordkeeping or transcribing
11 error, including typographical errors, scrivner's errors or computer
12 errors, in a required electronic or hard copy document, record or
13 prescription order if both of the following criteria are met:

14 (a) The error did not result in actual financial harm to an entity.

15 (b) The error did not involve dispensing an incorrect dose or type
16 of medication or dispensing a prescription drug to the wrong person.

17 3. "Desktop audit" means an audit that is conducted by an auditing
18 entity at a location other than the location of the pharmacist or
19 pharmacy. Desktop audit includes an audit that is performed at the offices
20 of the auditing entity during which the pharmacist or pharmacy provides
21 requested documents for review by hard copy or by microfiche, disk or
22 other electronic media.

23 4. "HEALTH CARE PLAN" HAS THE SAME MEANING PRESCRIBED IN SECTION
24 20-3151.

25 ~~4.~~ 5. "In-pharmacy audit" means an audit that is conducted by an
26 auditing entity at the physical business address of the pharmacy where the
27 claim was adjudicated.

28 ~~5.~~ 6. "Insurer" means a disability insurer, group disability
29 insurer, blanket disability insurer, health care services organization,
30 hospital service corporation, medical service corporation or hospital and
31 medical service corporation.

32 ~~6.~~ 7. "Pharmacist" has the same meaning prescribed in section
33 32-1901.

34 ~~7.~~ 8. "Pharmacy" has the same meaning prescribed in section
35 32-1901.

36 ~~8.~~ 9. "Pharmacy benefits manager" means a person, business or
37 other entity that, pursuant to a contract or under an employment
38 relationship with ~~a carrier~~ AN INSURER or other third-party ~~payer~~ PAYOR,
39 either directly or through an intermediary manages the prescription drug
40 coverage provided by the ~~carrier~~ INSURER or other third-party ~~payer~~ PAYOR,
41 including the processing and payment of claims for prescription drugs, the
42 performance of drug utilization review, the processing of drug prior
43 authorization requests, the adjudication of appeals or grievances related
44 to prescription drug coverage, contracting with network pharmacies and
45 controlling the cost of covered prescription drugs.

1 Sec. 2. Title 20, chapter 25, Arizona Revised Statutes, is amended
2 by adding article 2, to read:

3 ARTICLE 2. INSURER RESPONSIBILITY

4 20-3331. Insurer responsibility; acts of third parties

5 AN INSURER THAT USES THE SERVICES OF A PHARMACY BENEFITS MANAGER, AN
6 INSURANCE AFFILIATE, A THIRD-PARTY ADMINISTRATOR OR A THIRD-PARTY PAYOR IN
7 THIS STATE IS RESPONSIBLE FOR THE ACTS OF THE PHARMACY BENEFITS MANAGER,
8 INSURANCE AFFILIATE, THIRD-PARTY ADMINISTRATOR OR THIRD-PARTY PAYOR THAT
9 ARE WITHIN THE SCOPE OF THE HEALTH CARE PLAN, INCLUDING THE ADMINISTRATION
10 OF ALL PATIENT CLAIMS PROCESSED BY THE PHARMACY BENEFITS MANAGER,
11 INSURANCE AFFILIATE, THIRD-PARTY ADMINISTRATOR OR THIRD-PARTY PAYOR ON
12 BEHALF OF THE INSURER.