

REFERENCE TITLE: pharmacies; fees; prohibition

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

HB 2168

Introduced by
Representative Barto

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, scrivener'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. "In-pharmacy audit" means an audit that is conducted by an
24 auditing entity at the physical business address of the pharmacy where the
25 claim was adjudicated.

26 5. "Insurer" means a disability insurer, group disability insurer,
27 blanket disability insurer, health care services organization, hospital
28 service corporation, medical service corporation or hospital and medical
29 service corporation.

30 6. "Pharmacist" has the same meaning prescribed in section 32-1901.

31 7. "Pharmacy" has the same meaning prescribed in section 32-1901.

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

4 20-3331. Pharmacy fees; prohibition

5 A PHARMACY BENEFITS MANAGER, INSURANCE AFFILIATE, THIRD-PARTY
6 ADMINISTRATOR OR THIRD-PARTY PAYOR MAY NOT DIRECTLY OR INDIRECTLY CHARGE
7 OR HOLD A PHARMACY RESPONSIBLE FOR A FEE RELATED TO A CLAIM:

- 8 1. THAT IS NOT DISCLOSED AT THE TIME OF CLAIMS PROCESSING.
9 2. THAT IS NOT REPORTED ON THE REMITTANCE ADVICE OF AN ADJUDICATED
10 CLAIM.
11 3. AFTER THE INITIAL CLAIM IS ADJUDICATED AT THE POINT OF SALE.