

**BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF ARKANSAS**

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IN THE MATTER OF:	)	
	)	
RIGHWAY HEALTHCARE, INC.	)	AID NO.
	)	
	)	
	)	
	)	
	)	AID Order No. <b>24</b>

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**CONSENT ORDER**

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Now on this day before Jimmy Harris, the Insurance Commissioner for the state of Arkansas ("Commissioner") came Rightway Healthcare, Inc. ("Respondent"), who has reached an agreement concerning (AID Tracking No. 167910, 167916, 167665, 167663, 169369). The Commissioner is represented by Daniel Holland, PBM General Counsel. Respondent voluntarily waives its right to a hearing and consents to the entry of this Order ("Order").

Based on the facts and law, the Commissioner finds the following:

**GENERAL STIPULATIONS**

1. It is expressly understood this Order is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry and execution of this Order by the Commissioner.
  
2. This Order is executed for the purpose of avoiding further administrative time, expense, and action with respect to this cause.

3. Respondent understands this Order in no way precludes additional proceedings by the Commissioner against Respondent for acts or omissions not specifically addressed in this Order, or for facts or omissions that do not arise from the facts and transactions addressed herein.

4. Respondent expressly waives all further procedural remedies and all rights to seek judicial review of, or otherwise challenge this Order, including its validity, stipulations, and penalties, as well as the Commissioner's consideration and entry of this Order. This Order is executed in the public interest, the interests of the parties, and constitutes a settlement of this controversy.

5. By the signature fixed below, Respondent affirmatively states it has freely agreed to the entry of this Order, that it has been advised it may consult with legal counsel, and that it waives the right to a hearing on the matters underlying this Order. Respondent further states that no threats or promises of any kind have been made by the Commissioner, the Department, or any agent or representative thereof.

6. By execution of this Order, the parties affirm their agreement to be bound by its terms and further state that no promises or offers have been made concerning the matters described herein, other than the binding settlement terms contained in this Order.

7. Respondent acknowledges that the purpose of this Order is levy of a monetary penalty.

## AUTHORITY AND JURISDICTION

8. The Commissioner has jurisdiction over this matter pursuant to A.C.A. § 23-61-103, *et seq.*, and the Pharmacy Benefits Manager Licensure Act (hereinafter “Act”), A.C.A. § 23-92-501, *et seq.*

## PARTIES

9. AID administers and enforces the insurance laws of this state and is authorized to bring this action for the protection of the public interest pursuant to A.C.A. § 23-61-103, *et seq.*

10. Respondent Rightway is a pharmacy benefits manager (“PBM”) doing business in the state of Arkansas under License No. 2025-54 and has authority to administer pharmacy benefits in the state of Arkansas pursuant to Ark. Code Ann. § 23-92-504.

## FINDINGS OF FACT

11. AID received complaints from several pharmacies regarding reimbursements from Respondent that were allegedly below the national average drug acquisition cost (“NADAC”), in violation of A.C.A. § 23-92-506(b)(5)(A). The details of the pharmacy complaints are as follows:

- a. Collier Drug Store - Willow Creek (Complaint No. 2025-2348): Rx Number 4971505, Mounjaro 12.5mg/0.5 MI Pen, Qty. 2, Reimbursed at \$0.73 below NADAC.
- b. Collier Drug Store - Willow Creek (Complaint No. 2025-2348): Rx Number 4961053, Mounjaro 15mg/0.5 MI Pen, Qty. 2, Reimbursed at \$1.27 below NADAC.
- c. Collier Drug Store - Dickson (Complaint No. 2025-2312): Rx Number 10381039, Estradiol Dis 0.0375mg, Qty. 8, Reimbursed at \$3.58 below NADAC.

- d. Collier Drug Store – Dickson (Complaint No. 2025-2312): Rx Number 10381038 Progesterone 100mg, Qty. 90, Reimbursed at \$1.55 below NADAC.
- e. Remedy Drug (Complaint No. 2025-2415): Rx Number 8147047, Mounjaro 15mg/.05 MI Pen, Qty. 2, Reimbursed at \$1.27 below NADAC.
- f. Debbie’s Family Pharmacy (Complaint No. 2025-2475): Rx Number 6236568, Dextroamp-Amphet Er 20 Mg Cap, Qty. 30, Reimbursed at \$4.49 below NADAC.
- g. Heartland Pharmacy – Arkadelphia (Complaint No. 2025-2512): Rx Number 321495, Cyanocobalamin 1000 Mcg/ml VI, Qty. 4, Reimbursed at \$0.48 below NADAC.
- h. Garner Family Pharmacy (Complaint No. 2025-3043): Rx Number 218724, Trulicity 4.5 Mg/0.5 MI Pen, Qty. 2, Reimbursed at \$1.25 below NADAC.
- i. Doctors Orders Pharmacy #3 (Complaint No. 2025-3122): Rx Number 9138281, Mupirocin Oin 2%, Qty. 15, Reimbursed at \$0.93 below NADAC
- j. Heartland Pharmacy – Fayetteville (Complaint No. 2025-2630): Rx Number 618746, Synthroid Tablet 112mcg, Qty. 90, Reimbursed at \$2.84 below NADAC.
- k. Highlands Pharmacy – Springdale (Complaint No. 2025-2662) : Rx Numbers 121466 and 122717, Hydromorphone Tablet, Reimbursed at \$27.67 and \$0.46 respectively.
- l. Dumas Family Pharmacy (Complaint No. 2025-2231): Rx Number 465053, Cyanocobal amin 1000 Mcg/ml VI, Qty. 4, Reimbursed at \$0.057 below NADAC.
- m. Dumas Family Pharmacy (Complaint No. 2025-2231): Rx Number 434219, Ozempic 0.25-0.50 mg/dose pen, Qty. 3, Reimbursed at \$0.01 below NADAC.
- n. Cornerstone Bella Vista (Compalint No. 2025-2203): Rx Number 546282, Fluticasone Propionate 50 Susp, Qty. 16, Reimbursed at \$0.19 below NADAC.
- o. Heartland Pharmacy – Mansfield (Complaint No. 2025-2540): Rx Number 340452, Buprenorphine 8 Mg Tablet SI, Qty. 90, Reimbursed at \$1.34 below NADAC.

## CONCLUSIONS OF LAW

12. Ark. Code Ann. § 23-92-506(b)(5)(A) requires PBMs to reimburse a pharmacy for services not less than the NADAC, or if the NADAC is unavailable, not less than the pharmacy's wholesale acquisition cost.

13. Ark. Code Ann. § 23-92-508(c)(1)(B) authorizes the Commissioner to assess a penalty of up to \$5,000 per violation if the PBM does not reimburse at least the NADAC pursuant to Ark. Code Ann. § 23-92-506(b)(5)(A).

14. Respondent's reimbursements referenced in Paragraph 11 constitute a violation Ark. Code Ann. § 23-92-506(b)(5)(A).

## ORDER

THEREFORE, based on the foregoing and Respondent's waiver of their rights to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 *et seq.*, and the admission by Respondent of the jurisdiction of the Commissioner, the Commissioner finds that Respondent has consented to entry of this Order and the same is appropriate and in the public interest.

### IT IS HEREBY ORDERED:

1. That Respondent shall pay a monetary penalty of \$1,000 for each above-referenced reimbursement violations a. through l., \$2,500 for each above-referenced reimbursement violations m. through o., representing a total penalty of \$20,500.

2. That the total \$20,500 penalty be paid to the Arkansas Insurance Department within thirty (30) days upon entry of this Order.

IT IS SO ORDERED, DIRECTED, AND AGREED TO AS OF THE 29 DAY OF  
April 2026.

*Xavier Del Rosario*

Xavier Del Rosario (Apr 16, 2026 06:33:24 PDT)

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Rightway Healthcare, Inc.  
Xavier Del Rosario  
SVP of Finance and Business Operations



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Jimmy Harris  
Insurance Commissioner  
Arkansas Insurance Department