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Attorney General Griffin Applauds Federal Appeals Court Opinion Regarding Fair Compensation for Arkansas Pharmacies

Griffin: 'I am glad that Rule 128 can continue to be enforced to ensure that pharmacies receive fair and reasonable reimbursement for their dispensing services'

LITTLE ROCK – Attorney General Tim Griffin issued the following statement after the U.S. Court of Appeals for the Seventh Circuit affirmed a federal district court’s dismissal of a challenge to Rule 128, a state regulation that assures fair and reasonable reimbursement for Arkansas pharmacies:

“The U.S. Court of Appeals for the Seventh Circuit has unanimously affirmed the dismissal of a challenge to Arkansas Insurance Department Rule 128. This regulation is designed to help ensure that pharmacies, including rural and independent pharmacies that are facing closure risks, are reimbursed at fair and reasonable rates for their dispensing services. The court held that Rule 128’s dispensing fee requirement is a permissible cost regulation that is not preempted by the Employee Retirement Income Security Act. The court also concluded that Rule 128’s reporting requirements are not preempted because they are incidental requirements that are necessary for Rule 128’s enforcement. Without those requirements, Rule 128 could not ensure that pharmacies are fairly and reasonably compensated. The Seventh Circuit therefore affirmed the district court’s decision in favor of Arkansas.

“Insufficient compensation from Pharmacy Benefit Managers has been one of the reasons many pharmacies, including rural and independent ones, have been forced to close. I am glad that Rule 128 can continue to be enforced to ensure that pharmacies receive fair and reasonable reimbursement for their dispensing services.”

To read the Seventh Circuit’s ruling, [click here](#).

About Attorney General Tim Griffin

Tim Griffin was sworn in as the 57th Attorney General of Arkansas on January 10, 2023, having previously served as the state’s 20th Lieutenant Governor from 2015-2023. From 2011-2015, Griffin served as the 24th representative of Arkansas’s Second Congressional District, where he served on the House Committee on Ways and Means, House Armed Services Committee, House Committee on Foreign Affairs, House Committee on Ethics and House Committee on the Judiciary while also serving as a Deputy Whip for the Majority.

Griffin is currently an officer in the Arkansas Army National Guard and holds the rank of colonel. Griffin served as an officer in the U.S. Army Reserve Judge Advocate General’s (JAG) Corps for more than 28 years. In 2005, Griffin was mobilized to active duty as an Army prosecutor at Fort Campbell, Kentucky, and served with the 101st Airborne Division (Air Assault) in Mosul, Iraq.

His previous assignments include serving as the Commander of the 2d Legal Operations Detachment in New Orleans, Louisiana; the Commander of the 134th Legal Operations Detachment at Fort Bragg, North Carolina; and as a Senior Legislative Advisor to the Under Secretary of Defense for Personnel and Readiness at the Pentagon. Griffin earned a master’s degree in strategic studies as a Distinguished Honor Graduate from the U.S. Army War College, Carlisle Barracks, Pennsylvania.

Griffin also served as U.S. Attorney for the Eastern District of Arkansas, and Special Assistant to the President and Deputy Director of Political Affairs for President George W. Bush; Special Assistant to Assistant Attorney General Michael Chertoff, Criminal Division, U.S. Department of Justice; Special Assistant U.S. Attorney, U.S. Attorney’s Office, Eastern District of Arkansas; Senior Investigative Counsel, Government Reform and Oversight Committee, U.S. House of Representatives; and Associate Independent Counsel, Office of Independent Counsel David M. Barrett, In re: HUD Secretary Henry Cisneros.

Griffin is a graduate of Magnolia High School, Hendrix College in Conway, and Tulane Law School in New Orleans. He attended graduate school at Oxford University. He is admitted to practice law in Arkansas (active) and Louisiana (inactive). Griffin lives in Little Rock with his wife, Elizabeth, a Camden native, and their three children.

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