

754-118AX-21

Bill No. HB 1945

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Brown offered the following:

Amendment (with title amendment)

On page 21, between lines 29 and 30, of the bill

insert:

Section 26. Medicaid audits of pharmacies.--

(1) Notwithstanding any other law, an audit of the Medicaid-related records of a pharmacy licensed under chapter 465, Florida Statutes, must be conducted as provided in this section.

(a) The agency conducting the audit must give the pharmacist at least 2 weeks' prior notice of the audit.

(b) An audit must be conducted by a pharmacist licensed in this state.

(c) Any clerical or recordkeeping error, such as a typographical error, scrivener's error, or computer error regarding a document or record required under the Medicaid program does not constitute a willful violation and is not subject to criminal penalties without proof of intent to commit fraud.

1 (d) A pharmacist may use the physician's record or
2 other order for drugs or medicinal supplies written or
3 transmitted by any means of communication for purposes of
4 validating the pharmacy record with respect to orders or
5 refills of a legend or narcotic drug.

6 (e) A finding of an overpayment or underpayment must
7 be based on the actual overpayment or underpayment and may not
8 be a projection based on the number of patients served having
9 a similar diagnosis or on the number of similar orders or
10 refills for similar drugs.

11 (f) Each pharmacy, regardless of whether the pharmacy
12 is a community pharmacy, an institutional pharmacy, or a
13 special pharmacy, shall be audited under the same standards
14 and parameters.

15 (g) A pharmacist must be allowed at least 10 days in
16 which to produce documentation to address any discrepancy
17 found during an audit.

18 (h) The period covered by an audit may not exceed 1
19 calendar year.

20 (i) An audit may not be scheduled during the first 5
21 days of any month due to the high volume of prescriptions
22 filled during that time.

23 (j) The audit report must be delivered to the
24 pharmacist within 90 days after conclusion of the audit.

25 (2) The Agency for Health Care Administration shall
26 establish a process under which a pharmacist may obtain a
27 preliminary review of an audit report and may appeal an
28 unfavorable audit report without the necessity of obtaining
29 legal counsel. The preliminary review and appeal may be
30 conducted by an ad hoc peer-review panel, appointed by the
31 agency, which consists of pharmacists who maintain an active

1 practice. If, following the preliminary review, the agency or
 2 review panel finds that an unfavorable audit report lacks
 3 merit and finds that the pharmacist did not commit intentional
 4 fraud, the agency shall dismiss the audit report without the
 5 necessity of any further proceedings.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 3, line 22,

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12 after the semicolon insert:

13 revising the requirements of auditing Medicaid
 14 records of pharmacies;

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