

Bill No. CS for CS for SB 1064

Amendment No. ____ Barcode 444122

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

6/AD/2R
04/14/2004 11:28 AM

.
. .
. .
. .
. .

Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 78, line 9, through
page 79, line 24, delete those lines

and insert:

Section 11. Subsection (1) of section 465.188, Florida
Statutes, is amended, and subsection (4) is added to that
section, to read:

465.188 Medicaid audits of pharmacies.--

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

(a) The agency conducting the audit must give the
pharmacist at least 1 week's prior notice of the initial audit
for each audit cycle.

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

(c) Any clerical or recordkeeping error, such as a

Bill No. CS for CS for SB 1064

Amendment No. ____ Barcode 444122

1 | typographical error, scrivener's error, or computer error
2 | regarding a document or record required under the Medicaid
3 | program does not constitute a willful violation and is not
4 | subject to criminal penalties without proof of intent to
5 | commit fraud.

6 | (d) A pharmacist may use the physician's record or
7 | other order for drugs or medicinal supplies written or
8 | transmitted by any means of communication for purposes of
9 | validating the pharmacy record with respect to orders or
10 | refills of a legend or narcotic drug.

11 | (e) A finding of an overpayment or underpayment must
12 | be based on the actual overpayment or underpayment and may not
13 | be a projection based on the number of patients served having
14 | a similar diagnosis or on the number of similar orders or
15 | refills for similar drugs.

16 | (f) Each pharmacy shall be audited under the same
17 | standards and parameters.

18 | (g) A pharmacist must be allowed at least 10 days in
19 | which to produce documentation to address any discrepancy
20 | found during an audit.

21 | (h) The period covered by an audit may not exceed 1
22 | calendar year.

23 | (i) An audit may not be scheduled during the first 5
24 | days of any month due to the high volume of prescriptions
25 | filled during that time.

26 | (j) The audit report must be delivered to the
27 | pharmacist within 90 days after conclusion of the audit. A
28 | final audit report shall be delivered to the pharmacist within
29 | 6 months after receipt of the preliminary audit report or
30 | final appeal, as provided for in subsection (2), whichever is
31 | later.

Bill No. CS for CS for SB 1064

Amendment No. ____ Barcode 444122

1 (k) The audit criteria set forth in this section
2 applies only to audits of claims submitted for payment
3 subsequent to July 11, 2003.

4 (4) This section does not apply to any investigative
5 audit conducted by the Agency for Health Care Administration
6 when the agency has reliable evidence that the claim that is
7 the subject of the audit involves fraud, willful
8 misrepresentation, or abuse under the Medicaid program.

9
10

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

12 And the title is amended as follows:

13 On page 5, line 9, after the first semicolon,

14

15 insert:

16 providing that the specified Medicaid audit
17 procedures do not apply to any investigative
18 audit conducted by the agency when the agency
19 has reliable evidence that the claim that is
20 the subject of the audit involves fraud,
21 willful misrepresentation, or abuse under the
22 Medicaid program;

23

24

25

26

27

28

29

30

31