



588226

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/17/2014	.	
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The Committee on Regulated Industries (Galvano) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete lines 32 - 52

4 and insert:

5 (e) To use the records of a hospital, physician, or other
6 authorized practitioner, which are transmitted by any means of
7 communication, to validate the pharmacy records in accordance
8 with state and federal law.

9 (f) To be reimbursed for a claim that was retroactively



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10 denied for a clerical error, typographical error, scrivener's
11 error, or computer error if the prescription was properly and
12 correctly dispensed, unless a pattern of such errors exists or
13 fraudulent billing is alleged and unless the error results in
14 actual financial loss to the plan sponsor. For the purposes of
15 this provision, a prescription is properly and correctly
16 dispensed if the drug is correct, the issuing directions are
17 correct, and the drug is dispensed to the correct patient.

18 (g) To receive the preliminary audit report within 120 days
19 after the conclusion of the audit.

20 (h) To produce documentation to address a discrepancy or
21 audit finding within 10 business days after the preliminary
22 audit report is delivered to the pharmacy.

23 (i) To receive the final audit report within 6 months after
24 receiving the preliminary audit report.

25 (j) To have recoupment or penalties based on actual
26 overpayments and not according to the accounting practice of
27 extrapolation.

28 (2) A willful violation of this section is an unfair claim
29 settlement practice as described in s. 641.3903(5)(c)1. and 4.,
30 enforceable as provided under part I of chapter 641 and s.
31 626.9521.

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete lines 5 - 8

36 and insert:

37 are conducted by certain entities; providing that a
38 willful violation of such rights is an unfair claim



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39 settlement practice; exempting audits in which
40 fraudulent activity is suspected or which are related
41 to Medicaid claims;