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A bill to be entitled
 An act relating to pharmacy audits; creating s.
 465.1885, F.S.; providing rights to which a licensed
 pharmacy is entitled during certain audits of its
 records; providing for civil damages; providing for
 applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 465.1885, Florida Statutes, is created
 to read:

465.1885 Pharmacy audit bill of rights.-

(1) When an audit of the records of a pharmacy licensed
 under this chapter is conducted either directly or indirectly by
 a managed care company, an insurance company, a third-party
 payor, a pharmacy benefit manager, or any entity that represents
 responsible parties such as companies or groups, the pharmacy
 has the following rights:

(a) To be notified at least 7 calendar days before the
 initial onsite audit for each audit cycle.

(b) To have the onsite audit scheduled after the first 5
 calendar days of a month, unless the pharmacist otherwise
 consents.

(c) To have the audit period limited to 24 months from the
 date that a claim was submitted to or adjudicated by the entity
 conducting the audit.

27 (d) To have an audit that requires clinical or
28 professional judgment conducted by or in consultation with a
29 pharmacist.

30 (e) To use records of a hospital, physician, or other
31 authorized practitioner, which are transmitted by any means of
32 communication, to validate the pharmacy record.

33 (f) To be reimbursed for a claim that is retroactively
34 denied for a clerical error, typographical error, scrivener's
35 error, or computer error if the prescription was properly and
36 correctly dispensed, unless a pattern of such errors exists or
37 fraudulent billing is alleged.

38 (g) To receive the preliminary audit report within 90 days
39 after the audit is completed.

40 (h) To produce documentation to address a discrepancy or
41 finding in an audit within 10 business days after the
42 preliminary audit report is delivered to the pharmacy.

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

45 (j) To have recoupment or penalties based on actual
46 overpayments.

47 (2) A pharmacy injured as a result of a willful violation
48 of subsection (1) shall have a civil cause of action for treble
49 damages, reasonable attorney fees, and costs.

50 (3) The rights contained in this section do not apply to
51 audits in which fraudulent activity is suspected or to audits
52 related to Medicaid fee-for-service claims.

HB 745

2014

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Section 2. This act shall take effect July 1, 2014.