

BILL SUMMARY

1st Session of the 60th Legislature

Bill No.:	SB993
Version:	HCS
Request Number:	13515
Author:	Rep. Stinson
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Research Analysis

The House Committee Substitute for SB 993 prohibits pharmacy benefit managers (PBM) from exceeding an annual limit of 50 prescription claims with a specific prescription number and date of fill per calendar year, changed from 100. The hcs also changes references to Section 8 of the act to references to Section 9.

SB 993 provides definitions for audit and disaster declaration. The measure provides that the entity conducting an audit of a pharmacy must not assess a financial requirement on the pharmacy or pharmacist for any prescription audited unless there is a valid recoupment under the Pharmacy Audit Integrity Act. PBM auditors shall be required to ensure each preliminary findings report contains specific prescription numbers, fill dates, drug names, and NDC numbers as well as the date of receipt of documents. The measure requires the plan sponsor of the report to receive a copy of the final report within 30 days of the final disposition.

The measure requires auditors conducting an audit based on the suspicion of fraud to provide a copy of the clear and conspicuous declaration required by law to the pharmacy's contracting agent by certified mail within 5 business days. The measure also requires the auditing entity to deliver a preliminary findings report within 90 days, allow the pharmacy to produce documentation to address any discrepancy found during the audit within 90 days of receiving the preliminary report, and deliver a final report within 30 days of receiving the documentation from the pharmacy. The pharmacy shall have 30 days to reverse and resubmit claims after receiving the final report. The auditor shall not accrue interest during the audit and appeal period.

The measure requires auditors to notify the Attorney General if findings of fraud, willful misrepresentation, or abuse are forwarded to the district attorney. The measure extends the deadline for auditors to provide the preliminary report to the Attorney General from 30 days to 90 days and provides for an extension of an additional 90 days if the Attorney General grants the request from the auditor. The measure authorizes the auditor to request a 10-day extension for the final report. The measure provides that the ability of a PBM to initiate or conclude an audit of a pharmacy shall be tolled for the duration of a declared disaster and for an additional period of 30 calendar days following the termination of a declared disaster.

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Fiscal Analysis

SB 993 modifies the requirements and guidelines for pharmacy audits and appeals, outlining the obligations of both the auditing entity and the pharmacy. The provisions of the measure are not anticipated to have a direct fiscal impact on the state budget.

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Other Considerations

None.

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