

**2nd Sub. H.B. 76**  
**PHARMACY AUDIT RIGHTS**

Senator **Stephen H. Urquhart** proposes the following amendments:

1. Page 14, Line 424:

424 (b) This section does not apply to an audit of pharmacy records :  
(i) for a federally funded

2. Page 14, Line 426 through Page 15, Line 429:

426 ~~{(i)}~~ (A) the state Medicaid program;  
427 ~~{(ii)}~~ (B) the Medicare Part D program;  
428 ~~{(iii)}~~ (C) a Department of Defense prescription drug program; ~~{or}~~  
429 ~~{(iv)}~~ (D) a Veteran's Affairs prescription drug program ; or  
(ii) when fraud or other intentional and willful misrepresentation is alleged and the pharmacy audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional and willful misrepresentation .

3. Page 15, Line 449:

449 ~~{in the absence of any other evidence deemed fraudulent}~~ unless the audit entity is alleging fraud or other intentional or willful misrepresentation and the audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional and willful misrepresentation ; or

4. Page 15, Line 451:

451 final, unless the audit entity is alleging fraud or other intentional or willful misrepresentation and the audit entity has evidence ~~{the actions by the pharmacy constituted fraud}~~ that the pharmacy's actions reasonably indicate fraud or intentional and willful misrepresentation .

5. Page 16, Lines 480 through 482:

480 ~~{(10) This section does not apply to any audit, review, or investigation that involves~~  
481 ~~probable Medicaid fraud, probable Medicaid abuse, probable insurance fraud, or other criminal~~  
482 ~~fraud or criminal misrepresentation}~~ .