

**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** **;**

3. *Page 15, Lines 447 through 451:*

447            (ii) recoup funds for prescription clerical or record keeping errors, including  
448 typographical errors, scrivener's errors, and computer errors on a required document or record  
449 ~~{in the absence of any other evidence deemed fraudulent}~~    **the audit entity has evidence that the**  
                 **pharmacy's actions reasonably indicate fraud** **;** or  
450            (iii) collect any funds, charge-backs, or penalties until the audit and all appeals are  
451 final, unless the **audit** entity has evidence ~~{the actions by the pharmacy constituted fraud}~~    **that**  
                 **the pharmacy's actions reasonably indicate fraud** **;**

4. *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}~~ **;**