

PROPOSED
SENATE AMENDMENTS TO S.B. 1165
(Reference to printed bill)

1 Page 1, line 4, after "prohibition" insert "; claim payment reduction"

2 Line 30, strike the colon

3 Line 31, strike "(i)"

4 Line 32, strike the period insert "AND EITHER OF THE FOLLOWING APPLIES:"

5 Renumber to conform

6 Line 45, after the comma insert "SUBJECT TO VALIDATION THAT INCLUDES
7 VALIDATING THE PHARMACY PURCHASE ORDER AND THE PAYMENT OF THE SUPPLIER
8 INVOICE, AND"

9 Page 2, line 6, strike "FIFTH" insert "TENTH"

10 Strike lines 28 through 41, insert:

11 "D. AN AUDITING ENTITY MAY NOT, DIRECTLY OR INDIRECTLY,
12 RETROACTIVELY REDUCE THE AMOUNT OF A CLAIM PAYMENT TO A PHARMACIST OR A
13 PHARMACY AFTER ADJUDICATION OF THE CLAIM FOR A PRESCRIPTION DRUG UNLESS ANY
14 OF THE FOLLOWING APPLIES:

15 1. THE ORIGINAL CLAIM WAS FOUND TO HAVE BEEN FRAUDULENTLY SUBMITTED
16 THROUGH AN AUDIT CONDUCTED IN ACCORDANCE WITH THIS ARTICLE.

17 2. THE CLAIM SUBMITTED WAS A DUPLICATE FOR WHICH THE PHARMACY HAD
18 ALREADY RECEIVED PAYMENT.

1 3. THE ORIGINAL REIMBURSEMENT WAS INCORRECT DUE TO AN UNINTENTIONAL
2 ERROR THAT RESULTED IN AN OVERPAYMENT BY AN INSURER OR A PHARMACY BENEFIT
3 MANAGER.

4 E. SUBSECTION D OF THIS SECTION DOES NOT PROHIBIT AN AUDITING
5 ENTITY, INSURER OR PHARMACY BENEFIT MANAGER FROM INCREASING THE AMOUNT OF A
6 CLAIM PAYMENT AFTER ADJUDICATION OF THE CLAIM."

7 Amend title to conform

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