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et al.

H.B. No. 1455

A BILL TO BE ENTITLED

AN ACT

relating to the audit of wholesale invoices during certain audits  
of pharmacists and pharmacies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 1369, Insurance Code, is  
amended by adding Section 1369.2581 to read as follows:

Sec. 1369.2581. AUDIT DISCREPANCIES; WHOLESALE INVOICES.

(a) A health benefit plan issuer or pharmacy benefit manager that  
audits wholesale invoices during an audit of a pharmacist or  
pharmacy may not audit the pharmacy claims of another health  
benefit plan or pharmacy benefit manager.

(b) A health benefit plan issuer or pharmacy benefit manager  
shall reverse a finding of a discrepancy if:

(1) the National Drug Code for the dispensed drug is in  
a quantity that is a subunit or multiple of the drug purchased by  
the pharmacist or pharmacy as supported by a wholesale invoice;

(2) the pharmacist or pharmacy dispensed the correct  
quantity of the drug according to the prescription; and

(3) the drug dispensed by the pharmacist or pharmacy  
shares all but the last two digits of the National Drug Code of the  
drug reflected on the supplier invoice.

(c) A health benefit plan issuer or pharmacy benefit manager  
must accept as evidence to support the validity of a pharmacy claim  
related to a dispensed drug:

1           (1) subject to validation, including validation by  
2 pharmacy purchase order and payment of a supplier invoice, copies  
3 of supplier invoices in the pharmacist's or pharmacy's possession,  
4 including:

5           (A) supplier invoices issued before the date the  
6 drug was dispensed and not earlier than 60 days before the first day  
7 of the audit period; and

8           (B) invoices and any supporting documents from  
9 any supplier authorized by federal or state law to transfer  
10 ownership of the drug acquired by the pharmacist or pharmacy; and

11           (2) reports required by any state board or agency.

12           (d) A health benefit plan issuer or pharmacy benefit manager  
13 must provide, not later than the fifth business day after the date  
14 of a request by the pharmacist or pharmacy, any supporting  
15 documents the pharmacist's or pharmacy's suppliers provided to the  
16 health benefit plan issuer or pharmacy benefit manager.

17           SECTION 2. The changes in law made by this Act apply only to  
18 an audit conducted under a contract between a pharmacist or  
19 pharmacy and a health benefit plan issuer or pharmacy benefit  
20 manager entered into, amended, or renewed on or after the effective  
21 date of this Act.

22           SECTION 3. This Act takes effect September 1, 2019.