

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.

President of the Senate

Speaker of the House

I certify that H.B. No. 1455 was passed by the House on April 24, 2019, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1455 was passed by the Senate on May 19, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor