

ACT No. 167

2019 Regular Session

HOUSE BILL NO. 538

BY REPRESENTATIVES LEBAS AND AMEDEE

1 AN ACT

2 To amend and reenact R.S. 22:1856.1(B)(introductory paragraph), (2), (3), (7)(b), and (8),
3 (D)(1)(introductory paragraph) and (2)(introductory paragraph), and (F), to enact
4 R.S. 22:1856.1(D)(3), and to repeal R.S. 22:1856.1(G)(3) and (4), relative to
5 pharmacy record audits; to provide for applicability of laws relative to such audits;
6 to provide relative to procedures for such audits; to repeal provisions relative to
7 onsite audits; to provide relative to audits conducted by or in consultation with
8 licensed pharmacists; to provide limitations on recoupment of reimbursements paid
9 to pharmacists; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 22:1856.1(B)(introductory paragraph), (2), (3), (7)(b), and (8),
12 (D)(1)(introductory paragraph) and (2)(introductory paragraph), and (F) are hereby amended
13 and reenacted and R.S. 22:1856.1(D)(3) is hereby enacted to read as follows:

14 §1856.1. Pharmacy record audits; recoupment; appeals

15 * * *

16 B. Notwithstanding any other provision of law to the contrary, when an
17 ~~onsite~~ audit of the records of a pharmacy is conducted by an entity, the audit shall
18 be conducted in accordance with the following criteria:

19 * * *

20 (2)(a) No entity shall conduct an ~~on-site~~ audit at a particular pharmacy more
21 than one time annually. However, the provisions of this Paragraph shall not apply
22 when an entity must return to a pharmacy to complete an audit already in progress,

1 or there is an identified history of errors, an identified activity which a reasonable
2 man would believe to be inappropriate, or illegal activity that the entity has brought
3 to the attention of the pharmacy owner or corporate headquarters of the pharmacy.

4 (b) Nothing in this Paragraph shall prohibit review of a claim filed by a
5 pharmacy to determine if the claim is payable or is paid correctly. Such review may
6 require the submission of prescription copies and other documentation related to the
7 specific claims under review but shall not require the pharmacy to provide any
8 additional information not related to those specific claims.

9 (3)(a) The entity or any vendor or subcontractor of the entity which conducts
10 the initial ~~onsite~~ audit shall give the pharmacy notice at least two weeks before
11 conducting the initial ~~onsite~~ audit for each audit cycle.

12 (b) If the audit, review, or investigation is initiated based on or involves
13 alleged fraud or willful misrepresentation, notice before the initial ~~on-site~~ audit is not
14 mandatory where it could impede the audit, review, or investigation.

15 * * *

16 (7)

17 * * *

18 (b) A pharmacy shall be allowed at least thirty days following receipt of the
19 preliminary audit report in which to initiate an appeal to address any discrepancy
20 found during an ~~on-site~~ audit, as provided in Subsection E of this Section.

21 * * *

22 (8) Any audit which involves clinical judgment shall be conducted by or in
23 consultation with a ~~licensed~~ pharmacist licensed in Louisiana.

24 * * *

25 D.(1) No pharmacy shall be subject to recoupment of any portion of the
26 reimbursement for the dispensed product of a prescription unless one or more of the
27 following has occurred at the point of adjudication:

28 * * *

29 (2) Recoupment of claims shall be based on the actual financial harm to the
30 entity, or on the actual overpayment or underpayment, at the point of adjudication.

