

1-1 By: Hunter, et al. H.B. No. 1455
 1-2 (Senate Sponsor - Buckingham, Schwertner)
 1-3 (In the Senate - Received from the House April 25, 2019;
 1-4 April 29, 2019, read first time and referred to Committee on
 1-5 Business & Commerce; May 15, 2019, reported favorably by the
 1-6 following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the audit of wholesale invoices during certain audits
 1-21 of pharmacists and pharmacies.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter F, Chapter 1369, Insurance Code, is
 1-24 amended by adding Section 1369.2581 to read as follows:

1-25 Sec. 1369.2581. AUDIT DISCREPANCIES; WHOLESAL INVOICES.

1-26 (a) A health benefit plan issuer or pharmacy benefit manager that
 1-27 audits wholesale invoices during an audit of a pharmacist or
 1-28 pharmacy may not audit the pharmacy claims of another health
 1-29 benefit plan or pharmacy benefit manager.

1-30 (b) A health benefit plan issuer or pharmacy benefit manager
 1-31 shall reverse a finding of a discrepancy if:

1-32 (1) the National Drug Code for the dispensed drug is in
 1-33 a quantity that is a subunit or multiple of the drug purchased by
 1-34 the pharmacist or pharmacy as supported by a wholesale invoice;

1-35 (2) the pharmacist or pharmacy dispensed the correct
 1-36 quantity of the drug according to the prescription; and

1-37 (3) the drug dispensed by the pharmacist or pharmacy
 1-38 shares all but the last two digits of the National Drug Code of the
 1-39 drug reflected on the supplier invoice.

1-40 (c) A health benefit plan issuer or pharmacy benefit manager
 1-41 must accept as evidence to support the validity of a pharmacy claim
 1-42 related to a dispensed drug:

1-43 (1) subject to validation, including validation by
 1-44 pharmacy purchase order and payment of a supplier invoice, copies
 1-45 of supplier invoices in the pharmacist's or pharmacy's possession,
 1-46 including:

1-47 (A) supplier invoices issued before the date the
 1-48 drug was dispensed and not earlier than 60 days before the first day
 1-49 of the audit period; and

1-50 (B) invoices and any supporting documents from
 1-51 any supplier authorized by federal or state law to transfer
 1-52 ownership of the drug acquired by the pharmacist or pharmacy; and

1-53 (2) reports required by any state board or agency.

1-54 (d) A health benefit plan issuer or pharmacy benefit manager
 1-55 must provide, not later than the fifth business day after the date
 1-56 of a request by the pharmacist or pharmacy, any supporting
 1-57 documents the pharmacist's or pharmacy's suppliers provided to the
 1-58 health benefit plan issuer or pharmacy benefit manager.

1-59 SECTION 2. The changes in law made by this Act apply only to
 1-60 an audit conducted under a contract between a pharmacist or
 1-61 pharmacy and a health benefit plan issuer or pharmacy benefit

2-1 manager entered into, amended, or renewed on or after the effective
2-2 date of this Act.

2-3 SECTION 3. This Act takes effect September 1, 2019.

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