

House Bill 1125

By: Representatives Harden of the 147<sup>th</sup>, Stephens of the 164<sup>th</sup>, Allison of the 8<sup>th</sup>, Harden of the 28<sup>th</sup>, and Jasperse of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 26-4-118 of the Official Code of Georgia Annotated, relating to  
2 "The Pharmacy Audit Bill of Rights," so as to limit recoupment pursuant to an audit under  
3 certain circumstances; to require audit parameters to be equally applied to local and  
4 mail-order pharmacies; to provide for independent audits by the state; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 26-4-118 of the Official Code of Georgia Annotated, relating to "The  
9 Pharmacy Audit Bill of Rights," is amended by revising paragraphs (3) and (6) of subsection  
10 (b) and by adding a new subsection to read as follows:

11 "(3) Upon a finding by an auditor that an audited prescription meets the following  
12 criteria:

13 (A) The pharmaceutical product dispensed is that ordered by the prescriber;

14 (B) The quantity of product is as ordered by the prescriber;

15 (C) The dosing of the product is as ordered by the prescriber;

16 (D) The patient received the dispensed prescription;

17 (E) The amount collected for the prescription from the patient is the amount  
18 adjudicated by electronic transmission or other method by the payor or the payor's  
19 agent; and

20 (F) The amount paid to the dispensing pharmacy is the same as adjudicated to the  
21 dispensing pharmacy by electronic transmission or other method by the payor or payor's  
22 agent.

23 ~~Any~~ any clerical or record-keeping error, such as a typographical error, scrivener's error,  
24 or computer error, regarding a required document or record ~~may~~ shall not in and of itself  
25 constitute fraud ~~or abuse; however, such claims may~~ and shall not be subject to

26 recoupment. No such claim shall be subject to criminal penalties without proof of intent  
27 to commit fraud;"

28 "(6) Each pharmacy and prescription shall be audited under the same standards and  
29 parameters as other ~~similarly situated~~ pharmacies, whether local or mail-order, and  
30 prescriptions audited by the entity, and with the same frequency;"

31 "(g) The state shall have the right to independently audit any pharmacy or pharmacist in  
32 such pharmacy in which an insurance company or pharmacy benefits manager contracting  
33 with the state owns a 10 percent or greater share of said pharmacy. Such independent audit  
34 shall be for the purpose of determining if the state is receiving the full amount of contracted  
35 rebates to include all funds that pass from the drug product manufacturer or supplier to the  
36 insurance company or pharmacy benefits manager."

37 **SECTION 2.**

38 All laws and parts of laws in conflict with this Act are repealed.