

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1338
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Kipke” and substitute “Delegates Kipke, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Ready, Reznik, and Tarrant”; in lines 2 and 3, strike “Contracts, Disclosures, and Audits” and substitute “Claims”; strike beginning with “requiring” in line 4 down through “changes” in line 24 and substitute “providing that certain errors may not constitute fraud or grounds for recoupment of specified claims payments under specified circumstances; specifying that certain claims remain subject to recoupment of overpayment or payment of any discovered underpayment by a pharmacy benefits manager; defining a certain term”; and in line 27, strike “15-1628 and”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 15 on page 3, inclusive.

On page 4, strike in their entirety lines 5 through 8, inclusive; in lines 9, 12, and 18, in each instance, strike the bracket; in lines 9, 12, 15, and 18, strike “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively; in line 15, strike the first set of brackets; in lines 15, 22, and 24, in each instance, strike “**(I)**” and substitute “**(H)**”; and in line 19, strike “**AND A COPY OF THE FINAL AUDIT REPORT TO THE PLAN SPONSOR**”.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 32 on page 4 through line 20 on page 5, inclusive, and substitute:

(Over)

“(G) (1) IN THIS SUBSECTION, “OVERPAYMENT” MEANS A PAYMENT BY THE PHARMACY BENEFITS MANAGER TO A PHARMACY OR PHARMACIST THAT IS GREATER THAN THE RATE OR TERMS SPECIFIED IN THE CONTRACT BETWEEN THE PHARMACY OR PHARMACIST AND THE PHARMACY BENEFITS MANAGER AT THE TIME THAT THE PAYMENT IS MADE.

(2) A CLERICAL ERROR, RECORD-KEEPING ERROR, TYPOGRAPHICAL ERROR, OR SCRIVENER’S ERROR IN A REQUIRED DOCUMENT OR RECORD MAY NOT CONSTITUTE FRAUD OR GROUNDS FOR RECOUPMENT OF A CLAIMS PAYMENT FROM A PHARMACY OR PHARMACIST BY A PHARMACY BENEFITS MANAGER IF THE PRESCRIPTION WAS OTHERWISE LEGALLY DISPENSED AND THE CLAIM WAS OTHERWISE MATERIALLY CORRECT.

(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, CLAIMS REMAIN SUBJECT TO RECOUPMENT OF OVERPAYMENT OR PAYMENT OF ANY DISCOVERED UNDERPAYMENT BY THE PHARMACY BENEFITS MANAGER.”.

On page 5, in line 21, strike “(I)” and substitute “(H)”.

On page 6, in lines 4 and 15, strike “(J)” and “(K)”, respectively, and substitute “(I)” and “(J)”, respectively.