

~~MANAGEMENT SERVICES PROVIDED BY THE PHARMACY BENEFITS MANAGER;
AND~~

~~(H) THE PHARMACY BENEFITS MANAGER'S PROCEDURES
FOR HANDLING DISPUTES; AND~~

~~(2) PROVIDE AT LEAST 30 DAYS' WRITTEN NOTICE TO THE
PHARMACY PROVIDER OF BENEFIT CHANGES, INCLUDING ADDITIONS OR
DELETIONS TO COVERED PRESCRIPTION DRUGS, WITH THE EXCEPTION OF NEW
DRUGS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION.~~

~~(E) THE FOLLOWING PROVISIONS SHALL APPLY TO AUDITS OF
PHARMACIES OR CLAIMS FROM PHARMACIES CARRIED OUT BY PHARMACY
BENEFITS MANAGERS OR THE AGENTS OF PHARMACY BENEFITS MANAGERS:~~

~~(1) A PHARMACY BENEFITS MANAGER OR THE AGENT OF A
PHARMACY BENEFITS MANAGER SHALL PROVIDE WRITTEN NOTICE TO A
PHARMACY AT LEAST 2 WEEKS BEFORE BEGINNING THE AUDIT;~~

~~(2) ONLY CLAIMS THAT HAVE BEEN SPECIFICALLY REQUESTED
FOR AUDITING MAY BE SUBJECT TO AN AUDIT;~~

~~(3) A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE
EXTRAPOLATION AUDITS AS A CONDITION OF A CONTRACT OR PARTICIPATION
IN A NETWORK OR PROGRAM OF THE PHARMACY BENEFITS MANAGER;~~

~~(4) (I) ANY AUDIT FINDING OF AN OVERPAYMENT OR
UNDERPAYMENT SHALL BE BASED ON AN ACTUAL OVERPAYMENT OR
UNDERPAYMENT FOUND IN CLAIMS SUBJECT TO AUDIT; AND~~

~~(II) THE OVERPAYMENT OR UNDERPAYMENT MAY NOT BE A
PROJECTED AMOUNT BASED ON THE NUMBER OF PATIENTS WITH A SIMILAR
DIAGNOSIS WHO PURCHASE DRUGS AT THE PHARMACY OR ON THE NUMBER OF
SIMILAR ORDERS OR REFILLS FOR SIMILAR DRUGS;~~

~~(5) A CLAIM MAY NOT BE SUBJECT TO AN AUDIT MORE THAN 1
YEAR AFTER THE CLAIM WAS ADJUDICATED BY THE PHARMACY BENEFITS
MANAGER;~~

~~(6) A PHARMACY BENEFITS MANAGER MAY NOT RECOUP BY
SETOFF ANY MONEYS THAT THE PHARMACY BENEFITS MANAGER CONTENDS
ARE DUE AS A RESULT OF AN AUDIT UNTIL THE PHARMACY HAS THE
OPPORTUNITY TO REVIEW AND CONCUR WITH THE AUDIT FINDINGS;~~