

South Carolina Pharmacies ONLY – Notice Regarding Pharmacy Right to External Appeal

South Carolina pharmacies - Regarding Pharmacy Right to External Appeals

Pharmacies have the right to an external appeal pursuant to Section 38-71-2240 once a pharmacy has exhausted a PBM's internal appeal process.

An appeal filed must:

1.) Be submitted electronically on a form made available by the Department on its website within 60 calendar days of the pharmacy's receipt of the PBM's final determination resolving the pharmacy's initial appeal or within 30 calendar days of the pharmacy's receipt of the PBM's final audit report; unless a different timeframe is approved in writing through the Director or the Director designee's assigned independent review organization:

2.) Contain a summary of:

- The grounds of the appeal to the Director
- The relief requested by the pharmacy
- The basis on which the pharmacy believes it is due the relief

3.) Include a copy of the written decision rendered by the PBM.

4.) Contain a copy of the invoice(s) showing the pharmacy's purchase price for the drug or medical product or device at issue, if applicable.

5.) Contain a list of all discounts, price concessions, rebates, or other reductions, excluding cash discounts, that were, or should have been, reported to the PBM including supporting documentation for each discount, price concession, rebate or other reduction, if applicable.

6.) Contain a certification by the applicant that all information submitted is true and accurate to the best of the applicant's knowledge.

7.) Provide any other documentation or information requested by the director or his designee regarding the pharmacy's appeal.

A pharmacy is not entitled to an external review of an appeal denial until the pharmacy has exhausted the PBM's internal appeal process.

