

(A) (1) A PRIVATE REVIEW AGENT SHALL:

(I) MAKE ALL INITIAL DETERMINATIONS ON WHETHER TO AUTHORIZE OR CERTIFY A NONEMERGENCY COURSE OF TREATMENT FOR A PATIENT WITHIN 2 WORKING DAYS AFTER RECEIPT OF THE INFORMATION NECESSARY TO MAKE THE DETERMINATION;

(II) MAKE ALL DETERMINATIONS ON WHETHER TO AUTHORIZE OR CERTIFY AN EXTENDED STAY IN A HEALTH CARE FACILITY OR ADDITIONAL HEALTH CARE SERVICES WITHIN 1 WORKING DAY AFTER RECEIPT OF THE INFORMATION NECESSARY TO MAKE THE DETERMINATION; AND

(III) PROMPTLY NOTIFY THE HEALTH CARE PROVIDER OF THE DETERMINATION.

(2) IF WITHIN 3 CALENDAR DAYS AFTER RECEIPT OF THE INITIAL REQUEST FOR HEALTH CARE SERVICES THE PRIVATE REVIEW AGENT DOES NOT HAVE SUFFICIENT INFORMATION TO MAKE A DETERMINATION, THE PRIVATE REVIEW AGENT SHALL INFORM THE HEALTH CARE PROVIDER THAT ADDITIONAL INFORMATION MUST BE PROVIDED.

(B) IF AN INITIAL DETERMINATION IS MADE BY A PRIVATE REVIEW AGENT NOT TO AUTHORIZE OR CERTIFY A HEALTH CARE SERVICE AND THE HEALTH CARE PROVIDER BELIEVES THE DETERMINATION WARRANTS AN IMMEDIATE RECONSIDERATION, A PRIVATE REVIEW AGENT ~~SHALL~~ MAY PROVIDE THE HEALTH CARE PROVIDER THE OPPORTUNITY TO SPEAK WITH THE PHYSICIAN THAT RENDERED THE DETERMINATION, BY TELEPHONE ON AN EXPEDITED BASIS, WITHIN A PERIOD OF TIME NOT TO EXCEED 24 HOURS OF THE HEALTH CARE PROVIDER SEEKING THE RECONSIDERATION.

(C) FOR EMERGENCY INPATIENT ADMISSIONS, A PRIVATE REVIEW AGENT MAY NOT RENDER AN ADVERSE DECISION SOLELY BECAUSE THE HOSPITAL DID NOT NOTIFY THE PRIVATE REVIEW AGENT OF THE EMERGENCY ADMISSION WITHIN 24 HOURS OR OTHER PRESCRIBED PERIOD OF TIME AFTER THAT ADMISSION IF THE PATIENT'S MEDICAL CONDITION PREVENTED THE HOSPITAL FROM DETERMINING:

(1) THE PATIENT'S INSURANCE STATUS; AND

(2) IF APPLICABLE, THE PRIVATE REVIEW AGENT'S EMERGENCY ADMISSION NOTIFICATION REQUIREMENTS.

(D) A PRIVATE REVIEW AGENT MAY NOT RENDER AN ADVERSE DECISION AS TO AN ADMISSION OF A PATIENT DURING THE FIRST 24 HOURS AFTER ADMISSION WHEN:

(1) THE ADMISSION IS BASED ON A DETERMINATION THAT THE PATIENT IS IN IMMINENT DANGER TO SELF OR OTHERS;

(2) THE DETERMINATION HAS BEEN MADE BY THE PATIENT'S PHYSICIAN OR PSYCHOLOGIST IN CONJUNCTION WITH A MEMBER OF THE MEDICAL STAFF OF THE FACILITY WHO HAS PRIVILEGES TO MAKE THE ADMISSION; AND