

(1) THE COMMISSION MAY PERMIT A FACILITY TO CHANGE ANY RATE OR CHARGE TEMPORARILY, IF THE COMMISSION CONSIDERS IT TO BE IN THE PUBLIC INTEREST.

(2) AN APPROVED TEMPORARY CHANGE BECOMES EFFECTIVE IMMEDIATELY ON FILING.

(3) UNDER THE REVIEW PROCEDURES OF THIS SECTION, THE COMMISSION PROMPTLY SHALL CONSIDER THE REASONABLENESS OF THE TEMPORARY CHANGE.

(D) PARTIAL APPROVAL OF PROPOSED CHANGE.

IF THE COMMISSION MODIFIES A PROPOSED CHANGE OR APPROVES ONLY PART OF A PROPOSED CHANGE, A FACILITY, WITHOUT LOSING ITS RIGHT TO APPEAL THE PART OF THE COMMISSION ORDER THAT DENIES FULL APPROVAL OF THE PROPOSED CHANGE, MAY:

(1) CHARGE ITS PATIENTS ACCORDING TO THE DECISION OF THE COMMISSION; AND

(2) ACCEPT ANY BENEFITS UNDER THAT DECISION.

(E) REFUND OF FUNDS COLLECTED PENDING DELAY OR APPEAL.

IF A CHANGE IN ANY RATE OR CHARGE INCREASE BECOMES EFFECTIVE BECAUSE A FINAL DETERMINATION IS DELAYED BECAUSE OF AN APPEAL OR OTHERWISE, THE COMMISSION MAY ORDER THE FACILITY:

(1) TO KEEP A DETAILED AND ACCURATE ACCOUNT OF:

(I) FUNDS RECEIVED BECAUSE OF THE CHANGE;
AND

(II) THE PERSONS FROM WHOM THESE FUNDS WERE COLLECTED; AND

(2) AS TO ANY FUNDS RECEIVED BECAUSE OF A CHANGE THAT LATER IS HELD EXCESSIVE OR UNREASONABLE:

(I) TO REFUND THE FUNDS WITH INTEREST; OR

(II) IF A REFUND OF THE FUNDS IS IMPRACTICABLE, TO CHARGE OVER AND AMORTIZE THE FUNDS THROUGH A TEMPORARY DECREASE IN CHARGES OR RATES.

(F) COMMISSION DECISION IN CONTESTED CASE.

A DECISION BY THE COMMISSION ON ANY CONTESTED CHANGE UNDER THIS SECTION SHALL COMPLY WITH THE ADMINISTRATIVE PROCEDURE ACT AND SHALL BE ONLY PROSPECTIVE IN EFFECT.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 568W(a)(1), (2)(ii) and (iii), (3),