

15-10A-02.

(f) [Except for an emergency case under subsection (b)(2)(i) of this section, at the time a member first contacts a carrier about an adverse decision, the carrier shall send in writing to the member within 2 working days after the initial contact:

(1) the details of its internal grievance process and procedures under the provisions of this subtitle;

(2) information stating that:

(i) the Health Advocacy Unit:

1. is available to assist the member with filing a grievance under the carrier's internal grievance process; but

2. is not available to represent or accompany the member during the proceedings of the internal grievance process;

(ii) the Health Advocacy Unit can assist the member in mediating a resolution of the adverse decision with the carrier, but that any time during the mediation, the member or a health care provider on behalf of the member may file a grievance; and

(iii) the member or a health care provider on behalf of the member may file a complaint with the Commissioner without first filing a grievance if sufficient information and supporting documentation is filed with the complaint that demonstrates a compelling reason to do so;

(3) the address, telephone number, facsimile number, and e-mail address of the Health Advocacy Unit;

(4) the address, telephone number, and facsimile number of the Commissioner; and

(5) information on where the information required by this subsection can be found in the member's policy, plan, certificate, enrollment materials, or other evidence of coverage.]

FOR NONEMERGENCY CASES, WHEN A CARRIER RENDERS AN ADVERSE DECISION, THE CARRIER SHALL:

(1) DOCUMENT THE ADVERSE DECISION IN WRITING AFTER THE CARRIER HAS PROVIDED ORAL COMMUNICATION OF THE DECISION TO THE MEMBER OR THE HEALTH CARE PROVIDER ACTING ON BEHALF OF THE MEMBER; AND

(2) SEND, WITHIN 5 WORKING DAYS AFTER THE ADVERSE DECISION HAS BEEN MADE, A WRITTEN NOTICE TO THE MEMBER AND A HEALTH CARE PROVIDER ACTING ON BEHALF OF THE MEMBER THAT:

(A) STATES IN DETAIL IN CLEAR, UNDERSTANDABLE LANGUAGE THE SPECIFIC FACTUAL BASES FOR THE CARRIER'S DECISION;