

~~19-14A-04, 19-14A-03.~~

~~(A) THE SECRETARY MAY:~~

~~(1) ESTABLISH ONE OR MORE APPEAL BOARDS FOR THE PURPOSES OF THIS SECTION; AND~~

~~(2) DESIGNATE THE JURISDICTION OF A BOARD.~~

~~(B) A BOARD SHALL CONSIST OF THREE MEMBERS:~~

~~(1) TWO OF WHOM SHALL BE APPOINTED BY THE SECRETARY; AND~~

~~(2) ONE OF WHOM SHALL BE CHOSEN BY THE APPOINTED MEMBERS.~~

~~(C) OF THE TWO APPOINTED MEMBERS:~~

~~(1) ONE SHALL BE A REPRESENTATIVE OF THE NURSING HOME INDUSTRY WHO IS KNOWLEDGEABLE IN MEDICARE AND MEDICAL ASSISTANCE BILLING PROCEDURES; AND~~

~~(2) ONE SHALL BE AN INDIVIDUAL WHO IS EMPLOYED BY THIS STATE AND KNOWLEDGEABLE IN MEDICARE AND MEDICAL ASSISTANCE BILLING PROCEDURES AND WHO DOES NOT DIRECTLY PARTICIPATE IN THE THIRD PARTY LIABILITY AUDITS.~~

~~(D) (A) A NURSING HOME MAY APPEAL THE RESULTS OF A FINAL REPORT OF A THIRD PARTY LIABILITY AUDIT BY FILING WRITTEN NOTICE WITH THE DEPARTMENT APPROPRIATE APPEAL BOARD WITHIN 30 DAYS AFTER THE NURSING HOME RECEIVES THE FINAL REPORT FROM THE DEPARTMENT OR ITS AGENT.~~

~~(B) AN INDIVIDUAL AT THE DEPARTMENT WHO DID NOT PARTICIPATE IN THE FINAL REPORT SHALL:~~

~~(1) REVIEW THE APPEAL AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION; AND~~

~~(2) ISSUE A REPORT THAT EITHER REVISES OR CONCURS WITH THE FINAL REPORT OF THE THIRD PARTY LIABILITY AUDIT.~~

~~(C) A NURSING HOME MAY APPEAL THE RESULTS OF THE REPORT ISSUED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION BY FILING WRITTEN NOTICE WITH THE NURSING HOME APPEAL BOARD WITHIN 30 DAYS OF RECEIPT OF THE REPORT.~~

~~19-14A-05.~~

~~ANY GENERAL FUNDS RECOVERED THROUGH A THIRD PARTY LIABILITY AUDIT OF A NURSING HOME THAT ARE IN EXCESS OF THE CONTRACT AMOUNT SHALL BE DEPOSITED INTO THE HEALTH CARE QUALITY ACCOUNT ESTABLISHED UNDER § 19-1407 OF THIS TITLE.~~