

(II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH, PAYMENT FOR THE AMOUNT DUE THE STATE, IF ANY, AFTER THE RECALCULATION SHALL BE MADE WITHIN 60 DAYS AFTER THE FACILITY RECEIVES NOTIFICATION OF THE RECALCULATION.

(III) IF A FACILITY REQUESTS A LONGER PAYMENT SCHEDULE WITHIN 60 DAYS AFTER THE FACILITY RECEIVES NOTIFICATION OF THE RECALCULATION, THE DEPARTMENT MAY ESTABLISH, AFTER CONSULTATION WITH THE FACILITY, A LONGER PAYMENT SCHEDULE.

(IV) THE DEPARTMENT SHALL ESTABLISH A LONGER PAYMENT SCHEDULE IF, IN THE DEPARTMENT'S REASONABLE JUDGMENT, FAILURE TO GRANT A LONGER PAYMENT SCHEDULE WOULD:

1. RESULT IN FINANCIAL HARDSHIP TO THE FACILITY;
OR

2. HAVE AN ADVERSE EFFECT ON THE QUALITY OF PATIENT CARE FURNISHED BY THE FACILITY.

(3) (I) IF A FACILITY FILES AN APPEAL, THE PORTION OF THE AMOUNT IN CONTROVERSY THAT IS ACTUALLY PAID SHALL BE SUBJECT TO AN AWARD OF INTEREST THAT IS:

1. CALCULATED FROM THE DATE THE APPEAL WAS FILED THROUGH THE DATE OF PAYMENT; AND

2. DETERMINED IN ACCORDANCE WITH A RATE OF INTEREST ESTABLISHED BY REGULATION.

(II) INTEREST PAID BY A FACILITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS NOT AN ALLOWABLE COST.

(III) INTEREST PAID TO A FACILITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS NOT SUBJECT TO ANY OFFSET OR OTHER REDUCTION AGAINST OTHERWISE ALLOWABLE COSTS.

[(2)] (4) If a facility other than a hospital, or if the Department is aggrieved by a final decision of the board under this section, the facility or the Department shall place any money due from the facility or from the Department in an interest bearing escrow account. The money shall remain in escrow until a final decision has been rendered.

[(3)] (5) Upon a final determination of the dispute, the appropriate person administering the escrow account shall distribute the money in that account, including any interest accrued, in conformity with the final determination.

(e) (1) After the Department receives the findings of a board, the Department shall determine the amount that is due EITHER to this State OR TO THE FACILITY and notify the facility of that amount.