

COVERED", "SERVICE INCLUDED UNDER ANOTHER PROCEDURE", OR "NOT MEDICALLY NECESSARY" TO SATISFY THE REQUIREMENTS OF PARAGRAPH (2)(I) OR (I) OF THIS SUBSECTION.

~~(H)~~ (J) (1) FOR AN EMERGENCY CASE UNDER SUBSECTION (B)(2)(I) OF THIS SECTION, WITHIN 1 DAY AFTER A DECISION HAS BEEN ORALLY COMMUNICATED TO THE MEMBER OR HEALTH CARE PROVIDER, THE CARRIER SHALL SEND NOTICE IN WRITING OF ANY ADVERSE DECISION OR GRIEVANCE DECISION TO:

(I) THE MEMBER; AND

(II) IF THE GRIEVANCE WAS FILED ON BEHALF OF THE MEMBER UNDER SUBSECTION (B)(2)(III) OF THIS SECTION, THE HEALTH CARE PROVIDER.

(2) THE NOTICE SHALL INCLUDE THE INFORMATION REQUIRED UNDER SUBSECTION ~~(H)(1)~~(2) OF THIS SECTION.

~~(J)~~ (K) EACH CARRIER SHALL INCLUDE THE INFORMATION REQUIRED BY SUBSECTIONS (F) AND ~~(H)(2)(H)~~ (1)(2)(III) OF THIS SECTION IN THE POLICY, PLAN, CERTIFICATE, ENROLLMENT MATERIALS, OR OTHER EVIDENCE OF COVERAGE THAT THE CARRIER PROVIDES TO A MEMBER AT THE TIME OF THE MEMBER'S INITIAL COVERAGE OR RENEWAL OF COVERAGE.

(L) (1) NOTHING IN THIS SUBTITLE PROHIBITS A CARRIER FROM DELEGATING ITS INTERNAL GRIEVANCE PROCESS TO A PRIVATE REVIEW AGENT THAT HAS A CERTIFICATE ISSUED UNDER SUBTITLE 10B OF THIS TITLE AND IS ACTING ON BEHALF OF THAT CARRIER.

(2) IF A CARRIER DELEGATES ITS INTERNAL GRIEVANCE PROCESS TO A PRIVATE REVIEW AGENT, THE CARRIER SHALL BE:

(I) BOUND BY THE ~~DETERMINATION~~ GRIEVANCE DECISION MADE BY THE PRIVATE REVIEW AGENT ACTING ON THE CARRIER'S BEHALF; AND

(II) RESPONSIBLE FOR A VIOLATION OF ANY PROVISION OF THIS SUBTITLE REGARDLESS OF THE DELEGATION MADE BY THE CARRIER UNDER PARAGRAPH (1) OF THIS SUBSECTION.

15-10A-03.

(A) (1) WITHIN 30 DAYS AFTER THE DATE OF RECEIPT OF A GRIEVANCE DECISION, A MEMBER OR A HEALTH CARE PROVIDER, WHO FILED THE GRIEVANCE ON BEHALF OF THE MEMBER UNDER § 15-10A-02(B)(2)(III) OF THIS SUBTITLE, MAY FILE A COMPLAINT WITH THE COMMISSIONER FOR REVIEW OF THE GRIEVANCE DECISION.

(2) WHENEVER THE COMMISSIONER RECEIVES A COMPLAINT UNDER THIS SUBSECTION, THE COMMISSIONER SHALL NOTIFY THE CARRIER THAT IS THE SUBJECT OF THE COMPLAINT WITHIN 5 WORKING DAYS AFTER THE DATE THE COMPLAINT IS FILED WITH THE COMMISSIONER.

~~(2)~~ (3) EXCEPT FOR AN EMERGENCY CASE UNDER SUBSECTION (B)(2) SUBSECTION (B)(1)(II) OF THIS SECTION, THE CARRIER THAT IS THE SUBJECT OF A