

COMPLAINT FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE TO THE COMMISSIONER ANY INFORMATION REQUESTED BY THE COMMISSIONER NO LATER THAN 7 DAYS FROM THE DATE THE CARRIER RECEIVES THE REQUEST FOR INFORMATION.

(B) (1) IN DEVELOPING PROCEDURES TO BE USED IN REVIEWING AND DECIDING COMPLAINTS, THE COMMISSIONER SHALL:

(1) ALLOW A HEALTH CARE PROVIDER TO FILE A COMPLAINT ON BEHALF OF A MEMBER; AND

(2) ESTABLISH AN EXPEDITED PROCEDURE FOR USE IN AN EMERGENCY CASE FOR THE PURPOSE OF MAKING A FINAL DECISION ON A COMPLAINT WITHIN 24 HOURS AFTER THE COMPLAINT IS FILED WITH THE COMMISSIONER.

(2) FOR PURPOSES OF USING THE EXPEDITED PROCEDURE FOR AN EMERGENCY CASE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMMISSIONER SHALL DEFINE BY REGULATION THE STANDARDS REQUIRED FOR A GRIEVANCE TO BE CONSIDERED AN EMERGENCY CASE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT FOR AN EMERGENCY CASE UNDER SUBSECTION ~~(B)(2)~~ (B)(1)(II) OF THIS SECTION, THE COMMISSIONER SHALL MAKE A FINAL DECISION ON A COMPLAINT: ~~WITHIN 30 DAYS AFTER THE COMPLAINT IS FILED.~~

(I) WITHIN 30 WORKING DAYS AFTER A COMPLAINT REGARDING A PENDING HEALTH CARE SERVICE IS FILED; AND

(II) WITHIN 45 WORKING DAYS AFTER A COMPLAINT IS FILED REGARDING A RETROSPECTIVE DENIAL OF SERVICES ALREADY PROVIDED.

(2) THE COMMISSIONER MAY EXTEND THE PERIOD IN WHICH A FINAL DECISION SHALL BE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO ~~30 ADDITIONAL~~ AN ADDITIONAL 30 WORKING DAYS ONLY IF THE COMMISSIONER HAS NOT YET RECEIVED INFORMATION:

(I) REQUESTED BY THE COMMISSIONER; AND

(II) NECESSARY TO RENDER A FINAL DECISION ON A COMPLAINT.

(D) IN CASES CONSIDERED APPROPRIATE BY THE COMMISSIONER, THE COMMISSIONER MAY SEEK ADVICE FROM AN INDEPENDENT REVIEW ORGANIZATION OR INDEPENDENT MEDICAL EXPERTS, AS PROVIDED IN § 15-10A-05 OF THIS SUBTITLE, FOR COMPLAINTS FILED WITH THE COMMISSIONER UNDER THIS SUBTITLE THAT INVOLVE A QUESTION OF WHETHER A HEALTH CARE SERVICE PROVIDED OR TO BE PROVIDED TO A MEMBER IS MEDICALLY NECESSARY.

(E) (1) DURING THE REVIEW OF A COMPLAINT BY THE COMMISSIONER OR A DESIGNEE OF THE COMMISSIONER, A CARRIER SHALL HAVE THE BURDEN OF PERSUASION THAT ITS ADVERSE DECISION OR GRIEVANCE DECISION, AS APPLICABLE, IS CORRECT.