

3. THE GRIEVANCE INVOLVES A RETROSPECTIVE DENIAL UNDER ITEM (IV) OF THIS PARAGRAPH:

(III) ALLOW A GRIEVANCE TO BE FILED ON BEHALF OF A MEMBER BY A HEALTH CARE PROVIDER; AND

(IV) PROVIDE THAT A CARRIER RENDER A FINAL DECISION IN WRITING ON A GRIEVANCE WITHIN 45 WORKING DAYS AFTER THE DATE ON WHICH THE GRIEVANCE IS FILED WHEN THE GRIEVANCE INVOLVES A RETROSPECTIVE DENIAL.

(3) FOR PURPOSES OF USING THE EXPEDITED PROCEDURE FOR AN EMERGENCY CASE THAT A CARRIER IS REQUIRED TO INCLUDE UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, THE COMMISSIONER SHALL DEFINE BY REGULATION THE STANDARDS REQUIRED FOR A GRIEVANCE TO BE CONSIDERED AN EMERGENCY CASE.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE CARRIER'S INTERNAL GRIEVANCE PROCESS SHALL BE EXHAUSTED PRIOR TO FILING A COMPLAINT WITH THE COMMISSIONER UNDER THIS SUBTITLE.

(D) (1) (I) A MEMBER OR A HEALTH CARE PROVIDER FILING A COMPLAINT ON BEHALF OF A MEMBER MAY FILE A COMPLAINT WITH THE COMMISSIONER WITHOUT FIRST FILING A GRIEVANCE WITH A CARRIER AND RECEIVING A FINAL DECISION ON THE GRIEVANCE IF THE MEMBER OR THE HEALTH CARE PROVIDER PROVIDES SUFFICIENT INFORMATION AND SUPPORTING DOCUMENTATION IN THE COMPLAINT THAT DEMONSTRATES A COMPELLING REASON TO DO SO.

(II) THE COMMISSIONER SHALL DEFINE BY REGULATION THE STANDARDS THAT THE COMMISSIONER SHALL USE TO DECIDE WHAT DEMONSTRATES A COMPELLING REASON UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) SUBJECT TO SUBSECTIONS (B)(2)(II) AND (H) OF THIS SECTION, A MEMBER OR A HEALTH CARE PROVIDER MAY FILE A COMPLAINT WITH THE COMMISSIONER IF THE MEMBER OR THE HEALTH CARE PROVIDER DOES NOT RECEIVE A GRIEVANCE DECISION FROM THE CARRIER ON OR ~~AFTER~~ BEFORE THE 30TH WORKING DAY ON WHICH THE GRIEVANCE IS FILED.

(3) WHENEVER THE COMMISSIONER RECEIVES A COMPLAINT UNDER PARAGRAPH (1) OR (2) OF 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.

(E) EACH CARRIER SHALL:

(1) FILE FOR REVIEW WITH THE COMMISSIONER AND SUBMIT TO THE HEALTH ADVOCACY UNIT A COPY OF ITS INTERNAL GRIEVANCE PROCESS ESTABLISHED UNDER THIS SUBTITLE; AND