

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.

(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 COMPLAINT FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE TO THE COMMISSIONER ANY INFORMATION REQUESTED BY THE COMMISSIONER NO LATER THAN 7 WORKING 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:

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

(+) (II) 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)~~ SUBSECTION (B)(1)(II) OF THIS SECTION, THE COMMISSIONER SHALL MAKE A FINAL DECISION ON A COMPLAINT WITHIN 30 WORKING 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.

(3) ONLY IF THE COMMISSIONER LACKS SUFFICIENT INFORMATION TO RENDER A FINAL DECISION ON A COMPLAINT WITHIN THE 30 DAY PERIOD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY THE COMMISSIONER EXTEND THE PERIOD IN WHICH A FINAL DECISION SHALL BE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO 30 ADDITIONAL WORKING DAYS.