

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB24-1149 be amended as follows:

1 Amend printed bill, page 10, strike lines 5 through 13 and substitute
2 "RESOLUTION, BINDING ARBITRATION AS SPECIFIED IN SUBSECTION
3 (4)(b)(VI) OF THIS SECTION.

4 (VI) IF A PROVIDER REQUESTS BINDING ARBITRATION PURSUANT
5 TO THE PROCEDURES A CARRIER OR AN ORGANIZATION DEVELOPS UNDER
6 SUBSECTION (4)(b)(V)(B) OF THIS SECTION, THE FOLLOWING PROVISIONS
7 GOVERN THE ARBITRATION PROCEDURE:

8 (A) THE PROVIDER AND CARRIER OR ORGANIZATION SHALL
9 JOINTLY SELECT AN ARBITRATOR FROM THE LIST OF ARBITRATORS
10 APPROVED PURSUANT TO SECTION 10-16-704 (15)(b). NEITHER THE
11 PROVIDER NOR THE CARRIER OR ORGANIZATION IS REQUIRED TO NOTIFY
12 THE DIVISION OF THE ARBITRATION OR OF THE SELECTED ARBITRATOR.

13 (B) THE SELECTED ARBITRATOR SHALL DETERMINE THE
14 PROVIDER'S ELIGIBILITY TO PARTICIPATE IN THE CARRIER'S OR
15 ORGANIZATION'S PROGRAM BASED ON THE PROGRAM CRITERIA DEVELOPED
16 PURSUANT TO SUBSECTION (4)(b)(II) OF THIS SECTION;

17 (C) WITHIN THIRTY DAYS AFTER THE DATE THE ARBITRATOR
18 ACCEPTS THE MATTER, THE PROVIDER AND THE CARRIER OR
19 ORGANIZATION SHALL SUBMIT TO THE ARBITRATOR WRITTEN MATERIALS
20 IN SUPPORT OF THEIR RESPECTIVE POSITIONS;

21 (D) THE ARBITRATOR MAY RENDER A DECISION BASED ON THE
22 WRITTEN MATERIALS SUBMITTED PURSUANT TO SUBSECTION (4)(b)(VI)(C)
23 OF THIS SECTION OR MAY SCHEDULE A HEARING, LASTING NOT LONGER
24 THAN ONE DAY, FOR THE PROVIDER AND CARRIER OR ORGANIZATION TO
25 PRESENT EVIDENCE;

26 (E) WITHIN THIRTY DAYS AFTER THE DATE THE ARBITRATOR
27 RECEIVES THE WRITTEN MATERIALS OR, IF A HEARING IS CONDUCTED, THE
28 DATE OF THE HEARING, THE ARBITRATOR SHALL ISSUE A WRITTEN
29 DECISION STATING WHETHER THE PROVIDER IS ELIGIBLE FOR THE
30 PROGRAM; AND

31 (F) IF THE ARBITRATOR OVERTURNS THE CARRIER'S OR
32 ORGANIZATION'S FAILURE OR REFUSAL TO INCLUDE THE PROVIDER IN THE
33 PROGRAM, THE CARRIER OR ORGANIZATION SHALL PAY THE ARBITRATOR'S
34 FEES AND COSTS, AND IF THE ARBITRATOR AFFIRMS THE CARRIER'S OR
35 ORGANIZATION'S FAILURE OR REFUSAL TO INCLUDE THE PROVIDER IN THE
36 PROGRAM, THE PROVIDER SHALL PAY THE ARBITRATOR'S FEES AND
37 COSTS."

38 Page 17, line 14, strike "(A)" and substitute "(I)".

39 Page 17, line 17, strike "(B)" and substitute "(II)".

1 Page 17, strike lines 18 through 25 and substitute "RESOLUTION, BINDING
2 ARBITRATION AS SPECIFIED IN SUBSECTION (5.5)(e) OF THIS SECTION.

3 (e) IF A PROVIDER REQUESTS BINDING ARBITRATION PURSUANT TO
4 THE PROCEDURES A CARRIER OR A PBM DEVELOPS UNDER SUBSECTION
5 (5.5)(d)(II) OF THIS SECTION, THE FOLLOWING PROVISIONS GOVERN THE
6 ARBITRATION PROCEDURE:

7 (I) THE PROVIDER AND CARRIER OR PBM SHALL JOINTLY SELECT
8 AN ARBITRATOR FROM THE LIST OF ARBITRATORS APPROVED PURSUANT TO
9 SECTION 10-16-704 (15)(b). NEITHER THE PROVIDER NOR THE CARRIER OR
10 PBM IS REQUIRED TO NOTIFY THE DIVISION OF THE ARBITRATION OR OF
11 THE SELECTED ARBITRATOR.

12 (II) THE SELECTED ARBITRATOR SHALL DETERMINE THE
13 PROVIDER'S ELIGIBILITY TO PARTICIPATE IN THE CARRIER'S OR PBM'S
14 PROGRAM BASED ON THE PROGRAM CRITERIA DEVELOPED PURSUANT TO
15 SUBSECTION (5.5)(a) OF THIS SECTION;

16 (III) WITHIN THIRTY DAYS AFTER THE DATE THE ARBITRATOR
17 ACCEPTS THE MATTER, THE PROVIDER AND THE CARRIER OR PBM SHALL
18 SUBMIT TO THE ARBITRATOR WRITTEN MATERIALS IN SUPPORT OF THEIR
19 RESPECTIVE POSITIONS;

20 (IV) THE ARBITRATOR MAY RENDER A DECISION BASED ON THE
21 WRITTEN MATERIALS SUBMITTED PURSUANT TO SUBSECTION (5.5)(e)(III)
22 OF THIS SECTION OR MAY SCHEDULE A HEARING, LASTING NOT LONGER
23 THAN ONE DAY, FOR THE PROVIDER AND CARRIER OR PBM TO PRESENT
24 EVIDENCE;

25 (V) WITHIN THIRTY DAYS AFTER THE DATE THE ARBITRATOR
26 RECEIVES THE WRITTEN MATERIALS OR, IF A HEARING IS CONDUCTED, THE
27 DATE OF THE HEARING, THE ARBITRATOR SHALL ISSUE A WRITTEN
28 DECISION STATING WHETHER THE PROVIDER IS ELIGIBLE FOR THE
29 PROGRAM; AND

30 (VI) IF THE ARBITRATOR OVERTURNS THE CARRIER'S OR PBM'S
31 FAILURE OR REFUSAL TO INCLUDE THE PROVIDER IN THE PROGRAM, THE
32 CARRIER OR PBM SHALL PAY THE ARBITRATOR'S FEES AND COSTS, AND IF
33 THE ARBITRATOR AFFIRMS THE CARRIER'S OR PBM'S FAILURE OR REFUSAL
34 TO INCLUDE THE PROVIDER IN THE PROGRAM, THE PROVIDER SHALL PAY
35 THE ARBITRATOR'S FEES AND COSTS."

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