

**PART VI. HEALTH CARE COST
CONTAINMENT COUNCIL**

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Authority

The provisions of this Part VI issued under the Health Care Cost Containment Act (35 P. S. §§ 449.1—449.19), unless otherwise noted.

Source

The provisions of this Part VI adopted June 26, 1987, effective June 27, 1987, 17 Pa.B. 2613, unless otherwise noted.

CHAPTER 903. APPEALS PROCEDURE

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Authority

The provisions of this Chapter 903 issued under the Health Care Cost Containment Act (35 P. S. §§ 449.1—449.19), unless otherwise noted.

Source

The provisions of this Chapter 903 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3698, unless otherwise noted.

§ 903.1. Purpose.

This chapter establishes a grievance procedure for data sources as specified in section 14 of the act (35 P. S. § 449.14).

§ 903.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Health Care Cost Containment Act (35 P. S. §§ 449.1—449.19).

Council—Health Care Cost Containment Council.

§ 903.3. Affected parties.

This chapter applies to data sources subject to reporting requirements under the act.

§ 903.4. General rule.

A request by a data source for an exception to the Council's reporting requirements or another grievance by a data source against the Council shall follow the procedures set forth in the regulation imposing the reporting requirement or other disputed obligation upon the data source.

§ 903.5. Notice of protest.

A data source wishing to protest an action by the Council, including the denial of a request for an exception or the revocation of an exception, shall initiate its protest by giving notice to the Council of its desire for a hearing on the Council's action. This notice shall be given by certified mail within 30 days of the receipt by the data source of written notice of the Council's action and shall be sent to the Council at the Council's office.

§ 903.6. Reasons for protest.

The data source's notice of protest shall specify the action of the Council complained of and shall set forth the reasons for the protest.

§ 903.7. Informal hearing on protest.

Upon receipt of a notice of protest from a data source, the Council will schedule an informal hearing to be held within 30 days. The Council will notify the data source of the date, time and place of the hearing at least 21 days in advance of the hearing.

§ 903.8. Clarification of issues.

Between the date of receipt by the Council of the notice of protest and the date scheduled for the hearing, Council staff and representatives of the data source shall meet and attempt to narrow and clarify the issues to be determined at the hearing. Documentation which the data source wishes to provide to the Council in support of its protest shall be submitted at least 7 days before the hearing.

§ 903.9. Conduct of hearing on protest.

(a) The hearing will be conducted before the Executive Director of the Council or a member of the Council who has no financial or other relationship with the data source. The data source may be represented by counsel.

(b) Procedures at the hearing shall be informal. The data source may submit factual data, documents and other information which will facilitate identification of the issues and which will expedite resolution of the issues. The data source may submit oral testimony from persons whose testimony is relevant to the protest.

§ 903.10. Report to the Council.

The Executive Director of the Council or the Council member conducting the hearing will make a written report to the Council within 14 days after the hearing is completed, together with recommendations for disposition of the protest.

Cross References

This section cited in 28 Pa. Code § 903.11 (relating to decision by the Council).

§ 903.11. Decision by the Council.

At the next regularly scheduled meeting of the Council held at least 14 days after receipt of the report and recommendation described in § 903.10 (relating to report to the Council), if a quorum of the Council is present at the meeting, the Council will make its decision on the protest. Notice of the Council's decision will be given in writing to the protesting data source by certified mail within 7 days of the decision date.

§ 903.12. Accelerated protest.

Nothing contained in this chapter prevents the parties from accelerating the protest process, altering time constraints or skipping procedures if the changes are agreed upon jointly and expressed in writing.

§ 903.13. Formal appeal.

A data source dissatisfied with the Council's decision on the protest may invoke its right to a formal hearing. Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to the activities of and proceedings before the Council and a request for a formal hearing shall proceed under those rules.

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(242544) No. 282 May 98

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