

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.24510 Request for review of calculation of charges; treatment of data, documents, materials and other information.

Sec. 24510.

(1) Beginning July 1, 2021, if a nonparticipating provider believes that the amount described in section 24507(2)(a) or 24509(5)(a) was incorrectly calculated, the nonparticipating provider may make a request to the department for a review of the calculation. The request must be made on a form and in a manner required by the department.

(2) The department may request data on the median amount negotiated by the patient's carrier with participating providers or any documents, materials, or other information that the department believes is necessary to assist the department in reviewing the calculation described in subsection (1) and may consult an external database that contains the negotiated rates under the patient's health benefit plan for the applicable health care service. For purposes of conducting a review under this section, any data, documents, materials, or other information requested by the department must only be submitted to the department.

(3) If, after conducting its review under this section, the department determines that the amount described in section 24507(2)(a) or 24509(5)(a) was incorrectly calculated, the department shall determine the correct amount. A nonparticipating provider shall not file a subsequent request for a review under subsection (1) if the request involves the same rate calculation for a health care service for which the nonparticipating provider has previously received a determination from the department under this section.

(4) All of the following apply to any data, documents, materials, or other information described in subsection (2) that are in the possession or control of the department and that are obtained by, created by, or disclosed to the director or a department employee for purposes of this section:

(a) The data, documents, materials, or other information is considered proprietary and to contain trade secrets.

(b) The data, documents, materials, or other information are confidential and privileged and are not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) The data, documents, materials, or other information are not subject to subpoena and are not subject to discovery or admissible in evidence in any private civil action.

(5) The director or a department employee who receives data, documents, materials, or other information under this section shall not testify in any private civil action concerning the data, documents, materials, or information.

History: Add. 2020, Act 234, Imd. Eff. Oct. 22, 2020

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