

**191—76.10 (514J) Fees charged by independent review organizations.**

**76.10(1)** Fees charged by independent review organizations shall be reasonable.

**76.10(2)** A health carrier objecting to the fee charged by an independent review organization shall file a written notice with the commissioner and the independent review organization indicating the health carrier's objections to the fee and the reasons and any documentation for the objections.

**76.10(3)** Five days after receipt of the notice, the independent review organization may submit to the commissioner written documentation supporting the fee.

**76.10(4)** If the parties do not come to an agreement within 30 days of the initial notice, the commissioner or the commissioner's designee shall conduct a review of the fee and submissions and issue a written decision within 60 days. Factors to consider in determining whether a fee is unreasonable may include the following:

- a.* The time and labor required to perform the independent review;
- b.* The novelty and difficulty of the issues;
- c.* The skill requisite to perform the independent review properly;
- d.* The customary fee;
- e.* The experience, reputation and ability of the independent review organization and those performing the independent review.

**76.10(5)** A party may appeal the commissioner's decision pursuant to 191—Chapter 3.

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