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.

[**ARC 9979B**, IAB 1/25/12, effective 2/29/12]