

9505.0545 APPEALS.

Subpart 1. **Appeal by admitting physician or hospital.** The admitting physician or hospital may appeal the determination of the reconsideration under part 9505.0520, subparts 9, 9b, and 9c, according to Minnesota Statutes, section 256.9685, subdivisions 1b to 1d. The request for the appeal must be in writing and must be submitted to the commissioner within 30 days after receiving notice that the denial was upheld. An admitting physician or hospital that did not request a reconsideration under subpart 9 within 30 days of receiving the certified letter denying or withdrawing admission certification is not entitled to further appeal. The commissioner shall determine the medical necessity of the hospital admission based upon a review of the recipient's medical record and the information submitted by the provider during the reconsideration process and the medical review agent's basis for the determination that the services were not medically necessary for inpatient hospital services. The commissioner's decision under this subpart is the final agency decision.

Subp. 2. **Judicial review.** If the commissioner upholds the denial or withdrawal of admission certification, a hospital or admitting physician may appeal the commissioner's order to the district court of the county in which the hospital or physician is located. The appeal must be in writing and served upon the commissioner within 30 days after the date of the commissioner's order denying or withdrawing admission certification. The appeal must also be filed with the court administrator of the district court. The procedures to be followed by the court in processing the appeal are set out in Minnesota Statutes, section 256.9685, subdivisions 1c and 1d.

Subp. 3. **Appeal by recipient.** A recipient who is denied inpatient hospital services because of the medical review agent's determination that the inpatient hospital services are not medically necessary may appeal the medical review agent's determination according to Minnesota Statutes, section 256.045.

Statutory Authority: *MS s 256.9353; 256B.04; 256D.03*

History: *23 SR 298*

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