

Introduced by

Representatives Porter, Devlin, Price

Senators Dever, J. Lee

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota  
2 Century Code, relating to provider appeals of medical assistance reimbursement denials.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 50-24.1 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Provider appeals.** The department shall adopt rules for an appeal procedure by which  
7 a provider may appeal any adverse action taken by the department with respect to a medical  
8 assistance claim submitted by the provider to the department for reimbursement. For purposes  
9 of this section "provider" means an individual, entity, or facility that furnishes medical or  
10 remedial services or supplies to a medical assistance recipient pursuant to a provider  
11 agreement with the department. The rules must provide that the department shall reimburse a  
12 provider for reasonable and necessary attorney's fees and costs associated with an appeal if  
13 the provider substantially prevails on the merits of the appeal and the department's position is  
14 not substantially justified. In order to substantially prevail on the merits of the appeal, the  
15 provider must be successful on more than fifty percent of the dollar amount involved in the  
16 issues identified in the provider's notice of appeal.