

### Appeal and Arbitration Processes Grid

| Process Name  | Issues that can be Resolved  | Who can Initiate  | Who Decides   | Citations  |
|---|--|---|---|--|
| <p>Independent Health Care Appeals Program (established by Health Care Quality Act)</p> <p style="text-align: center;">IHCAP</p>  | <p>Medical Necessity of services, including whether a service is experimental, investigational, cosmetic, and dental rather than medical, whether an in-plan exception is warranted, and whether services are required on an emergency or urgent basis</p> | <p>Covered person, or provider acting with consent of the covered person</p>  | <p>Independent Utilization Review Organizations under contract with the Commissioner, currently Island Peer Review Organization and Permedion</p> | <p>N.J.S.A. 26:2S-11 and 12, N.J.A.C. 11:24-8.7 and N.J.A.C. 11:24A-3.6</p>  |
| <p>Program for Independent Claims Payment Arbitration (established by Health Claims Authorization, Processing and Payment Act)</p> <p style="text-align: center;">PICPA</p> | <p>What is the appropriate payment for a covered service rendered by a provider, excludes disputes that can be submitted to the IHCAP and OON Arbitration</p>  | <p>Network providers - any type of covered service, Out-of-network providers – services that do not qualify as inadvertent or emergency or urgent</p> | <p>Nationally recognized independent arbitration organization under contract with the Commissioner, currently MAXIMUS</p>                         | <p>N.J.S.A. 17:48-8.4e(2), N.J.S.A. 17:48A-7.12e(2), N.J.S.A. 17:48E-10.1e(2), N.J.S.A. 17B:26-9.1e(2), N.J.S.A. 17B:27-44.2e(2), N.J.S.A. 26:2J-8.1e(2), N.J.S.A. 17:48F-13.1e(2) and N.J.A.C. 11:22-1.13</p> |
| <p>Out-of-Network Inadvertent and</p>   | <p>Whether the final offer of the carrier or the final</p>   | <p>Out-of-network providers and carriers</p>  | <p>Entity with experience in health care pricing</p>  | <p>N.J.S.A. 26:2SS-10</p>  |

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| <p>Emergent/Urgent Arbitration (established by Out-of-network Consumer Protection, Transparency, Cost Containment and Accountability Act)</p> <p>OON Arbitration</p> | <p>offer of the out-of-network provider is the appropriate reimbursement for inadvertent or emergency or urgent services rendered by the out-of-network provider where the person is covered by an insured plan, MEWA, SHBP/SEHBP or by a self-funded plan that opts to participate in the binding OON Arbitration process,</p> <p>Or</p> <p>What is a reasonable payment for inadvertent, emergency or urgent (involuntary) services rendered by the out-of-network provider when the person is covered by a self-funded plan that does not opt to participate in the binding OON Arbitration process</p> | <p>for insured plans, MEWAs, SHBP/SEHBP, out-of-network providers and plan administrators for self-funded plans that opt in to OON Arbitration, and covered persons and out-of-network providers for self-funded plans that do not opt in to OON Arbitration</p> | <p>arbitration and using American Arbitration Association certified arbitrations that is under contract with the Department, initially MAXIMUS</p> |  |
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