



ADMINISTRATIVE RULES OF MONTANA



37.86.1111 OPPORTUNITY FOR HEARING

- (1) In any quarter in which a discrepancy in Medicaid utilization information is discovered by the manufacturer, which the manufacturer and the department are unable to resolve, the manufacturer will provide written notice of the discrepancy, by NDC number, to the department prior to the due date specified in ARM 37.86.1102.
- (2) If the manufacturer asserts the department's Medicaid utilization information is erroneous, the manufacturer shall pay the department that portion of the rebate amount that is not disputed by the required due date in ARM 37.86.1102. The balance due, if any, plus a reasonable rate of interest as set forth in 42 USC 1396b(d)(5)(2008), will be paid or credited by the manufacturer or the department by the due date of the next quarterly payment in ARM 37.86.1102(8) after resolution of the dispute.
- (3) Adjustments to rebate payments shall be made if information indicates that either Medicaid utilization information, Average Manufacturer Price (AMP), or Best Price were greater or less than the amount previously specified.
- (4) The department and the manufacturer will use their best efforts to resolve the discrepancy within 60 days of receipt of disputes noted by the manufacturer in ARM 37.86.1102. In the event that the department and the manufacturer are not able to resolve a discrepancy within 60 days, the department shall make available to the manufacturer the department's hearing mechanism as set forth in Title 37, chapter 5, subchapter 3.

Authorizing statute(s): 53-6-113, MCA

Implementing statute(s): 53-6-101, MCA

History: NEW, 2008 MAR p. 2669, Eff. 1/1/09.