



ADMINISTRATIVE RULES OF MONTANA



6.6.8605 INDEPENDENT REVIEWER SELECTION—SUBSTITUTION

- (1) If the parties to a dispute agree upon an independent reviewer, the independent reviewer is presumed to be qualified without further verification by the commissioner.
- (2) If a party believes an assigned independent reviewer has a conflict of interest, the party may request assignment of a different independent reviewer. Upon receipt of the request, the commissioner shall randomly appoint a replacement independent reviewer.
- (3) Each party may request assignment of a different independent reviewer under (2) only once per dispute.
- (4) A request under (2) must be made either within 10 calendar days after the commissioner notifies the parties of assignment of the independent reviewer or replacement independent reviewer, or within 10 calendar days of discovering new facts demonstrating that the reviewer has a conflict of interest.
- (5) In addition to the one request for a replacement independent review allowed by (3), a party may make a request to the commissioner to assign a different independent reviewer if a conflict of interest exists. If the commissioner has good cause to believe reassignment of the independent reviewer is necessary, the commissioner may grant the request. Any request for reassignment must follow the timing requirements in (4).
- (6) An independent reviewer may recuse himself or herself if an actual conflict of interest exists.

Authorizing statute(s): 2-18-720, 20-25-1320, 33-2-2306, MCA

Implementing statute(s): 2-18-719, 2-18-720, 20-25-1319, 20-25-1320, 33-2-2305, 33-2-2306, MCA

History: NEW, 2017 MAR p. 1877, Eff. 10/14/17.