Emergency Regulations

COMAR 14.01.05.10
Appeals of Upper Payment Limit Determinations

PDAB Meeting

November 16, 2026

PDAB Staff

MARYLAND
Prescription Drug Affordability Board

Purpose

- Emergency Regulations for COMAR 14.01.05.10- Appeals of Upper Payment Limit Determinations, simply establish the procedural framework for the statutory appeals process required by Md. Code Ann., Health-Gen. § 21-2C-15
- An appeal to the Board under Health-General Article, § 21-2C-15, Annotated Code of Maryland is strictly limited to demonstrating that the Board's final Upper Payment Limit (UPL) determination failed to comply with the statutory requirements of Health-General Article, § 21-2C, Annotated Code of Maryland, or the regulatory criteria and methodologies established in COMAR Title 14, Subtitle 01.

Provisions

- These regulations include:
  - A. Scope and Grounds for Appeal
  - B. Form and Length of Petition
  - C. Filing and Service
  - D. Procedures for Reviewing Appeals
  - E. Treatment of Confidential Information

Requesting and Reviewing Appeals

- These regulations provide for:
  - Electronic submission of appeals
  - Strictly limited scope - appeals are only for demonstrating that the Board's final Upper Payment Limit (UPL) determination failed to comply with the statutory and regulatory requirements
  - Appeal filing deadline
  - The Board shall hear and decide an appeal based on the administrative record, and will not conduct an evidentiary trial or hear testimony
  - The Board shall respond within 60 days of when the Appeal is requested

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