

SAMPLE

ACTUARIAL DISPUTE RESOLUTION PROCESS

Actuarial Review for Disputes of Settlement Amounts. Disputes regarding Settlements pursuant to this Agreement (collectively referred to as “**Settlement Amounts**”), may be initiated by either party by sending written notice of a Dispute requesting actuarial review to the other party. The actuarial review shall be conducted by three (3) independent actuaries (who are not employees of either [Provider] or [Plan] and have no conflicts of interest that a reasonable person might conclude would undermine the actuary’s impartiality), one of whom is selected by [Plan]; one of whom is selected by [Provider]; and one of whom is jointly selected by the preceding two actuaries. Each actuary must have healthcare experience and minimum qualification of Fellow, Society of Actuaries. Parties shall select actuaries within fifteen (15) days of notice of initiation by either party and those actuaries shall select the third actuary within fifteen (15) days thereafter. If at least two of the three actuaries agree, in writing, on the appropriate Settlement Amount, then the resolution will be considered binding. If at least two of the three actuaries cannot agree on the appropriate Calculable Amount within thirty (30) days from the date the actuaries are requested to review the Dispute, then the Dispute may be pursued through binding arbitration as provided herein. In all instances, the cost of the actuarial review will be shared equally by the parties. Notwithstanding the forgoing, all Disputes regarding the interpretation of the contractual provisions regarding Settlement Amounts (i.e., not just the calculation of same) shall be subject to the arbitration provision set forth herein.