

National Uniform Claim Committee

Bylaws



Approved: 04/2017

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I. Introduction

The National Uniform Claim Committee (NUCC) was formally organized in May 1995. The NUCC replaced the Uniform Claim Form Task Force (Task Force), which was co-chaired by the American Medical Association (AMA) and the Health Care Financing Administration (HCFA), now known as the Centers for Medicare & Medicaid Services (CMS). The work of the Task Force resulted in the development of the 1500 Claim Form. The NUCC is hosted and chaired by the AMA, and no government agency (including CMS) manages or controls the NUCC's membership, agenda, or funding. While CMS is permitted to fill two membership seats of the NUCC, eighteen remaining seats are filled by a broad cross-section of other organizations. Accordingly, the NUCC is not an advisory committee of the federal government under the Federal Advisory Committee Act (FACA).

The NUCC is a data content committee (DCC) made up of a diverse group of health care industry stakeholders representing providers, payers, designated standards maintenance organizations, public health organizations, and vendors. As such, the NUCC is intended to have an authoritative voice regarding national standard data content and data definitions for professional (non-institutional) health care claims and/or related encounter data in the United States.

The Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA), requires the Secretary of the U.S. Department of Health and Human Services (HHS) to adopt standards for health care transactions to enable electronic exchange of health information. The Secretary may adopt a standard developed, adopted, or modified by a standard setting organization accredited by the American National Standards Institute (ANSI) that has consulted with the American Dental Association (ADA), National Uniform Billing Committee (NUBC), NUCC, and Workgroup for Electronic Data Interchange (WEDI).

In addition, the Secretary of HHS established the Designated Standards Maintenance Organizations (DSMO) and identified six organizations to develop and maintain the transaction standards adopted by the Secretary of HHS. These organizations are the Accredited Standards Committee X12 (ASC X12), Dental Content Committee of the ADA (DeCC), Health Level Seven (HL7), National Council for Prescription Drug Programs (NCPDP), NUBC, and NUCC. ASC X12, HL7, and NCPDP are standards development organizations and DeCC, NUBC, and NUCC are DCCs.

The initial focus of the work for the NUCC was on paper billing and paper administrative transactions. With the transition of the health care industry to electronic data interchange (EDI), the scope of the NUCC's work broadened to include advocating for uniformity and standardization of administrative transactions conducted electronically and on paper. From the provider viewpoint, non-uniform data elements cause significant frustration, claims billing and processing delays, and rejections. From the payer viewpoint, claims that are not in the required format may need to be resubmitted several times before they can be processed. The result is a very labor-intensive and costly business practice for providers and payers.

II. Mission

The mission of the NUCC, a national, multi-stakeholder committee, is to support and advocate for the development, maintenance, and adoption of uniform data content and standardized administrative transactions in the health care industry.

The NUCC will achieve its mission by:

- Maintaining the Health Insurance Claim Form (1500 Claim Form), as described in Section VII.B of these Bylaws, and the NUCC 1500 Health Insurance Claim Form Reference Instruction Manual (NUCC 1500 Instruction Manual), as described in Section VII.C of these Bylaws. Maintenance work will focus on the ability to bring uniformity to the data content.
- Maintaining the NUCC Data Set, as described in Section VII.A of these Bylaws, the Health Care Provider Taxonomy and Provider Characteristics and Resources code sets, as described in Sections VII.D and E of these Bylaws, and any other code sets related to the work of the NUCC that are within its purview.
- Participating in the management of the national standards and data content for administrative transactions with the other DSMOs with an emphasis on uniformity and standardization.
- Advising HHS and CMS on issues related to the 1500 Claim Form, uniformity of data content, and standardization of administrative transactions.
- Providing an open forum for stakeholders in the health care industry to participate in the development, maintenance, and adoption of the 1500 Claim Form, uniform data content, and standards for administrative transactions.
- Identifying business needs of the health care industry related to the 1500 Claim Form, uniform data content, and standardized administrative transactions and communicating those needs to standards developers.
- Reviewing national implementations of the 1500 Claim Form, data content, and administrative transactions to identify issues with uniformity and standardization.
- Participating in activities of national health care EDI associations, committees, government agencies, and other work groups to develop, maintain, and adopt uniform data content and standardized administrative transactions and protect the integrity of the NUCC approved data content.
- Participating in or managing other activities as deemed relevant to the mission of the NUCC.

III. Membership

A. Criteria for Membership

The NUCC is a diverse group of health care industry stakeholders representing providers, payers, designated standards maintenance organizations, public health organizations, and vendors. The NUCC shall strive to maintain the representative balance of the primary health care industry stakeholders.

Membership criteria include:

- Organization represents members that are affected by the administrative transactions pertaining to the professional (non-institutional) billing requirements.
- Organization is national in scope and represents a unique constituency that is directly affected by the deliberations of the NUCC.

- Organization provides a unique perspective that is not currently provided by another organization member of the NUCC.
- Organization demonstrates willingness to participate actively in the NUCC's work.
- Organization's senior management has indicated support for their involvement and for their representative nominee to participate.
- Organization will take an active role in communicating to their constituency about the deliberations, issues, or requests for input on various topics.

When additional expertise may be required in order to conduct business of the NUCC, the Chair may request that individuals and/or organizations participate on an ad hoc basis as a non-member of the NUCC.

B. Membership Structure

The following are the organizational membership categories and number of seats:

- 6 Providers of health care (including at least one organization representing health care providers other than doctors of medicine or doctors of osteopathy)
- 6 Payers of health care transactions
- 5 Designated Standards Maintenance Organizations
- 2 Public health representatives
- 1 Vendor organization, or association of vendor organizations, in the industry of professional provider billing systems

Modifications to the overall membership categories and/or number of membership seats are subject to approval of the NUCC by a vote of two-thirds of the member organizations present in a meeting at which a quorum is established, in accordance with Section VI of these Bylaws.

Organizations may request membership if the NUCC has an open member organization seat. Requests for membership from organizations will be reviewed by the Administrative Subcommittee. In recommending the appropriate action to the NUCC on applications for membership, considerations by the Administrative Subcommittee will include the Criteria for Membership listed in Section III.A of these Bylaws. When appropriate, the Administrative Subcommittee may recommend that the applicant seek representation on the NUCC through an organization that is already a member and represents the same or similar interest.

C. Membership Organizations

The membership seats are filled by the following organizations:

Providers

1. American Medical Association
2. American Academy of Physician Assistants
3. American Association for Homecare
4. Medical Group Management Association
5. A state medical association
6. Veterans Health Administration

Payers

1. Alliance for Managed Care
2. America's Health Insurance Plans
3. Blue Cross Blue Shield Association
4. Centers for Medicare & Medicaid Services – Medicaid
5. Centers for Medicare & Medicaid Services – Medicare
6. National Association of State Medicaid Directors

Designated Standards Maintenance Organizations

1. Accredited Standards Committee X12
2. Dental Content Committee
3. Health Level Seven
4. National Council for Prescription Drug Programs
5. National Uniform Billing Committee

Public Health Organizations

1. Public Health Data Standards Consortium – State perspective
2. Public Health Data Standards Consortium – Federal perspective

Vendor

1. A vendor organization, or association of vendor organizations, in the industry of professional provider billing systems

If a member organization decides to vacate its seat and no longer is able or wants to participate in the NUCC, the member representative or member organization shall inform the Chair and/or Secretary about their respective organization's withdrawal by giving 30 days advance written notice of such withdrawal. Such member organization shall be relieved of all responsibilities under these Bylaws as of the effective date of withdrawal. The Secretary shall notify the other NUCC member organizations of the withdrawal.

The Administrative Subcommittee, as described in Section VIII.A.i of these Bylaws, shall determine the process for filling vacated member organization seats and may recommend to the NUCC potential candidates to fill such vacant member seats.

After an application to fill a vacated seat has been processed by the Administrative Subcommittee, approval of a new member organization is subject to a vote by two-thirds of the member organizations present in a meeting at which a quorum is established, in accordance with Section VI of these Bylaws.

D. Conflict of Interest Policy

It is acknowledged that the sponsoring member organization may offer commercial products or services, and the financial benefit of such products or services may be affected by the recommendations made by the NUCC. In order to ensure that the NUCC's recommendations are not influenced by a member organization's financial interests, each member representative and other subcommittee participant shall, on an annual basis in the first quarter of each calendar year, execute a "Statement of Compliance with the Conflict of Interest Policy", in a form that contains language approved by the NUCC, and shall update such Statement of Compliance with the Conflict of Interest Policy during the year, as appropriate. In addition, each member representative and other subcommittee participant shall, at each meeting, verbally disclose any conflict of interest on any matter considered by the NUCC or subcommittee prior to any vote or deliberation on the issue. Presenters at meetings shall also verbally disclose any conflict of interest. Disclosure of a conflict of interest is required when the member representative, other subcommittee participant, or presenter has personal knowledge of a conflict of interest. Conflict of interest shall include, but not be limited to:

1) the member representative's, other subcommittee participant's, and presenter's personal material financial interest in the outcome of the vote on an issue and 2) a material financial interest by the member representative's, other subcommittee participant's, or presenter's sponsoring organization in the outcome of the vote on an issue. "Material financial interest" shall mean an expected personal financial profit, margin, or income of \$5,000 or more, or a sponsoring organization's financial profit, margin or income of \$10,000 or more, derived from a commercial product or service.

Failure of a member representative, alternate member representative or a subcommittee member to execute the Statement of Compliance with the Conflict of Interest Policy in a timely manner in accordance with announced deadlines will result in suspension of the applicable member organization's participation in the NUCC until the signed Statement of Compliance with the Conflict of Interest Policy is submitted and the member organization is reinstated by the Chair.

If a member representative, or his/her sponsoring organization, has a conflict of interest, the member representative may, following the required disclosure, participate in the NUCC's discussions on the matter, but shall not participate in the vote on the matter.

Changes to the language in the "Statement of Compliance with the Conflict of Interest Policy" must be approved by a vote of a simple majority (51%) of the member organizations present in a meeting at which a quorum is established.

IV. Responsibilities

A. Member Organization and Member Representative Obligations

Responsibilities of the member organizations and their representative(s) include:

- Each member organization is intended to represent the perspective of the sponsoring organization and the applicable constituency.
- Member organizations are to name a primary representative and may also identify an alternate, if they choose to. The member representative is subject to reappointment for additional terms as determined by that organization.
- An alternate representative shall have the same responsibilities as the primary representative when serving as the member representative.
- Member organizations may replace their representative(s) at any time upon notification to the Chair and/or Secretary.
- Each member representative will be required to attend meetings on a regular basis and shall possess a willingness to serve on at least one subcommittee.
- The member organization and/or member representative(s) may designate an alternate member representative on a meeting-by-meeting basis upon notification to the Chair and/or Secretary. The primary representative shall insure that the alternate representative is sufficiently prepared to represent the member organization.
- Each member representative is expected to have the ability to quickly obtain needed approvals from his/her organization and/or constituency when appropriate, so that the NUCC can achieve an expedited process that meets the needs of the health care industry.

- Member representatives are responsible for communicating information to the organization they represent.
- All expenses of participating in the NUCC or any subcommittee shall be borne by each member organization.

Member organizations are expected to fulfill all obligations of membership. Where a member organization and/or member representative is found in habitual default of these obligations and/or noncompliant with the requirements outlined in these Bylaws, the Chair shall contact the member organization and/or member representative and review the concerns regarding their participation on the NUCC. The Administrative Subcommittee shall then review the matter and make a recommendation to the NUCC for appropriate action, which may include the request to name a replacement member representative or terminate the member organization.

At least 30 days prior to a vote that may result in the removal or replacement of a member organization and/or member representative, the NUCC shall give the member representative and/or member organization written notice of the pending vote and shall invite the member organization and/or member representative to present information to the NUCC as to why his/her/its participation in the NUCC should continue. Removal or replacement of a member representative and/or organization requires approval by a two-thirds vote of the member organizations attending a meeting at which a quorum is established. In a timely manner after the vote, the member organization and/or member representative shall be informed of the decision in writing.

B. Duties of the Secretariat

The AMA shall serve as the NUCC Secretariat. As the Secretariat, the AMA's responsibilities include:

- Convening the NUCC.
- Providing staff to serve as the Chair and Secretary of the NUCC.
- Maintaining the documents of the proceedings of the NUCC.
- Holding the intellectual property on behalf of the NUCC.
- Maintaining the copyright of materials developed by the NUCC and taking necessary actions to protect that copyright.
- Entering into contracts on behalf of the NUCC.
- Providing staff and administrative support to the work of the NUCC, such as arranging meetings, distributing meeting materials, preparing meeting notes, and maintaining NUCC materials.
- Coordinating with other member organizations regarding their co-hosting of meetings, obtaining meeting space, and providing other meeting necessities.
- Performing other administrative functions deemed necessary for the NUCC.

C. Duties of the Chair

The AMA, through its designee, shall chair the NUCC. The duties of the Chair include:

- Arranging and presiding over the meetings.
- Working with the Secretary in the distribution of meeting notices, agenda material, and minutes.
- Ensuring a presence on national EDI organizations, committees, government technical advisory groups, and other work groups.
- Serving as the focal point of external communications on behalf of the NUCC.
- Responding to inquiries, or assigning responsibilities for responding to another NUCC member, on matters pertaining to the NUCC.
- Performing other duties as relevant to the NUCC.

The Chair shall not be subject to tenure limits.

D. Duties of the Secretary

The position of the Secretary will be staffed by the AMA as part of general administrative support. The individual who serves as Secretary will be distinct from the person who serves as Chair. The duties of the Secretary include:

- Maintaining current mailing lists of NUCC member organizations and their representative(s).
- Preparing, distributing, and maintaining NUCC meeting materials.
- Preparing minutes for the NUCC and subcommittees.
- Maintaining materials related to code set, data set maintenance, and other NUCC activities.
- Co-chairing various subcommittees as necessary.
- Developing communication content for the NUCC.
- Corresponding with NUCC members.
- Serving as the central contact person for the NUCC.
- Responding to inquiries on matters pertaining to the NUCC.
- Acting in the absence of the Chair.

The Secretary shall not be subject to tenure limits.

V. Meetings

A. In-Person Meetings

The NUCC will hold in-person meetings open to the public at least semi-annually, or more frequently, in the Chair's discretion. The Chair has the discretion to replace a previously scheduled in-person meeting with a conference call. If an in-person meeting is

to be rescheduled or canceled, member representatives shall be notified at least 45 days prior to the scheduled meeting. However, in the event of severe weather, a national emergency, or other unexpected circumstance, member representatives may be notified less than 45 days prior to the scheduled meeting.

Meeting notices, including the date, time, and location, shall be provided to member representatives at least one month prior to the meeting. Meeting notices will also be available to interested parties through announcements on the NUCC Web site.

In an in-person meeting, all interested parties are welcome to attend and observe the proceedings. Invited guests and interested parties may participate in the NUCC's discussions, but shall not vote on any formal deliberations. NUCC members will be given the priority to speak during meetings over invited guests and other interested parties.

A draft agenda for the meeting will be prepared by the Secretary and distributed to the member representatives prior to the meeting. The draft agenda will also be posted on the NUCC Web site for other interested parties to view. Member representatives and interested parties may request agenda items, subject to approval by the Chair, by contacting the Secretary prior to the meeting. Other items, not included in the agenda, will be considered if time permits, at the Chair's discretion.

Meeting materials will be prepared by the Secretary and distributed to the member representatives prior to the meeting. Copies of meeting materials will be made available at the meetings for interested parties.

Member representatives, invited guests, and other interested parties attend at their own expense.

B. Conference Calls

Conference call meetings will be held on a monthly basis in the months in which there is no in-person meeting, or otherwise at the discretion of the Chair or by a request of a majority of the member representatives. Conference calls constitute NUCC meetings. Conference calls may be canceled at the discretion of the Chair, or upon request of the majority of member representatives. Meeting notices, including the date, time, and conference number, shall be provided to member representatives at least one week prior to any conference calls.

Only member representatives may participate in conference calls. Other invited guests may participate at the discretion of the Chair.

The conference call agenda and meeting materials will be prepared by the Secretary and sent to the member representatives and other invited guests, when applicable, prior to the scheduled conference call. Member representatives may request agenda items, subject to approval by the Chair, by contacting the Chair or Secretary prior to the meeting. Other items, not included in the agenda, will be considered if time permits.

C. Executive Sessions

As necessary, executive sessions may be held during an in-person meeting when agenda items center on these NUCC Bylaws, membership, policies, appeals, or as otherwise determined by the Chair or by approval of the NUCC. NUCC member organizations only are invited to attend executive sessions; however, other invited guests may participate at the discretion of the Chair.

The Secretary will maintain a record of discussion from executive sessions that will not be incorporated into the official NUCC minutes. The record of the discussion will be available only to member representatives upon request. Any resultant decisions will be reported at the next in-person meeting or conference call and incorporated into that meeting's minutes.

D. Quorum

A simple majority (51%) of the member organizations of the NUCC shall constitute a quorum for conducting business. A quorum is constituted when a majority of the voting NUCC member organizations are in attendance in person, telephonically, or electronically, or respond to a ballot vote.

If a quorum is not present at the start of the meeting, agenda items not requiring a vote may be discussed. Once a quorum is established, voting items may be considered.

If a quorum is not present for the duration of a meeting, actions may be taken, at the Chair's discretion, subject to confirmation by post-meeting electronic ballot.

E. Minutes

Meetings will be documented by the Secretary. Meeting minutes will be distributed in the next meeting materials. The minutes will be subject to formal approval at the next meeting and will not be distributed to others besides NUCC member organizations. At its discretion, the Chair may distribute the minutes to others with the approval of the Administrative Subcommittee.

F. Rules of Procedure

All meetings shall be conducted according to American Institute of Parliamentarians, Standard Code of Parliamentary Procedure.

VI. Voting

Each listed NUCC member organization (in Section III.B.) shall have one (1) vote. The Chair shall have the tie-breaking vote, at the discretion of the Chair. All voting will be done by member representatives or their designated alternate representatives and will be tabulated by the Secretary. It is expected that each member representative will represent the perspective of his/her sponsoring organization.

Actions on items requiring approval by a two-thirds majority vote of the member organizations present in a meeting at which a quorum is established include:

- NUCC membership
- Changes to membership categories or number of seats
- Changes to the NUCC Bylaws
- Formation of new subcommittees not described in Section VIII.A of these Bylaws
- Removal or replacement of a member representative and/or member organization or filling a vacant member organization seat.

Actions on all other items will require approval by a simple majority (51%) vote of those member organizations present in a meeting at which a quorum is established. Items requiring a simple majority include, but are not limited to:

- Approval of minutes
- Approval of any recommended action by a subcommittee
- Changes to language in the “Statement of Compliance” form
- Changes to NUCC Materials (as defined in Section VII below) or revisions thereof
- Responses to DSMO Change Requests
- Letters on NUCC’s position or comments

Voting may occur in conference calls, in-person meetings, and executive sessions in which a quorum is established. Electronic voting, such as via email, may be conducted on time sensitive items. Outcomes of electronic votes will be reported to the NUCC via email and/or the next scheduled conference call or in-person meeting.

If a member representative, or his/her sponsoring organization, has a conflict of interest, the member representative may, following the required disclosure, participate in the NUCC’s discussions on the matter, but shall not participate in the vote on the matter.

VII. NUCC Materials

The NUCC maintains the NUCC Data Set, 1500 Claim Form, NUCC 1500 Health Insurance Claim Form Reference Instruction Manual, Health Care Provider Taxonomy code set and Provider Characteristics and Resources code set (collectively, the “Materials”). The NUCC shall approve, and post on the NUCC website, criteria for additions or changes to the following:

A. NUCC Data Set

The NUCC Data Set is intended for use by the professional (non-institutional) health care community to transmit related claim and equivalent encounter information and coordination of benefits transactions and to report these encounters to other organizations, including public health entities. The focus of the NUCC Data Set is on data content standardization. The end product is one standard data set, with complete and clear data definitions, for use in the electronic environment, but applicable to and consistent with evolving paper claim form standards.

B. 1500 Claim Form

The 1500 Claim Form, also known as the CMS 1500, is a single-page, paper claim form that was developed and approved by the NUCC and received approval of the Office of Management and Budget to be used by the health care industry for professional (non-institutional) claims. The NUCC is responsible for maintaining the physical layout of the form. The form is in the public domain and is not copyrighted.

Work on the 1500 claim form is closely coordinated with the ASC X12 Health Care Claim standard (837P) so as to align the requirements of the paper and electronic claim formats.

C. NUCC 1500 Health Insurance Claim Form Reference Instruction Manual

The NUCC developed instructions for the 1500 Claim Form based on known industry common practices for completing the form. These instructions are not mandated for use when completing the form and payers are able to issue their own specific instructions.

Work on the NUCC 1500 Instruction Manual is closely coordinated with the ASC X12 Health Care Claim standard (837P) so as to align the requirements of the paper and electronic claim formats.

D. Health Care Provider Taxonomy Code Set

The Health Care Provider Taxonomy code set allows a single provider (individual, group, or institution) to identify their specialty category. It is a non-medical data code set, external to the HIPAA transactions, designed for use in an electronic environment, specifically within the ASC X12 health care transactions, which includes the transactions mandated under HIPAA.

E. Provider Characteristics and Resources Code Set

The Provider Characteristics and Resources code set is for use with health care provider information for enrollment and credentialing transactions and their corresponding responses. It is intended to provide codified responses to questions presented to a health care provider applying to or registering with an entity and to report the outcome of such application or registration. It may also be used for responses to inquiries regarding provider participation or registration in a program or plan.

Requests for changes to the Materials may be submitted to the Chair or Secretary by member representatives or affected parties in the public at large. The Chair will refer any changes to the appropriate subcommittee. Each subcommittee is purely advisory to the NUCC, and all final decisions will be made by the NUCC. The Chair will be responsible for communicating actions taken on requests related to the Materials to the requester and the public, in addition to communicating any changes to the relevant item. This may be done via e-mail, publications, or newsletters but, at a minimum, are published on the NUCC website. Requesters will be notified of the NUCC's actions in a timely manner. If a request for a new code to the Health Care Provider Taxonomy Code Set or the Provider Characteristics and Resources Code Set is denied, the requestor may not submit a new code request for the same or substantially similar code for a period of one (1) year from the date of initial denial of the code request or one (1) year from the denial of an appeal (if an appeal is filed), whichever is later.

VIII. Subcommittees

Subcommittees will report all recommendations to the NUCC. The role of subcommittees is purely advisory in nature, and all final decisions will be made by the NUCC. The NUCC subcommittees are as follows:

A. Standing Subcommittees

i. Administrative Subcommittee

Members of the Administrative Subcommittee are limited to the Chair and Secretary and the Chair and Secretary of the NUBC and the member representatives of the DeCC. Other guests may be invited to participate at the Chair's discretion.

The Administrative Subcommittee duties include:

- Developing and reviewing proposed changes to the NUCC Bylaws and making recommendations to the NUCC for adoption.
- Addressing concerns regarding member organization's and member representative's attendance and/or participation in the NUCC.
- Reviewing requests, along with the Chair, for membership and making recommendations to the NUCC.
- Reviewing requests for appeals to determine if the request is sufficiently meritorious to warrant consideration by Appeal Subcommittee.
- Determining the process for filling vacant member seats and identifying potential candidates to fill such vacant member seats.

See Section III.B and IV.A for additional information on the Administrative Subcommittee.

ii. Code Subcommittee

The Code Subcommittee is responsible for reviewing requests for revisions to the Health Care Provider Taxonomy code set, Provider Characteristics and Resources code set, and any other code sets that may become the responsibility of the NUCC.

The Code Subcommittee duties include:

- Maintaining criteria for code sets and requests for code set changes, subject to approval of the NUCC.
- Reviewing requests for changes to the code sets and making recommendations to the NUCC.
- Doing appropriate outreach and research for additional information to make decisions about changes to the code sets.

See Sections VII.D and E for more information on the code sets.

iii. Data/1500 Subcommittee

The Data/1500 Subcommittee is responsible for reviewing requests for revisions to the NUCC Data Set, 1500 Claim Form, and NUCC 1500 Instruction Manual.

The Data/1500 Subcommittee duties include:

- Maintaining criteria for reviewing requests and a request form, subject to approval of the NUCC.
- Reviewing requests for the NUCC Data Set, 1500 Claim Form, and NUCC 1500 Instruction Manual and making recommendations to the NUCC.
- Doing appropriate outreach and research for additional information to make decisions about changes to the NUCC Data Set, 1500 Claim Form, and/or NUCC 1500 Instruction Manual.

See Sections VII.A, B, and C for more information on the NUCC Data Set, 1500 Claim Form, and NUCC 1500 Instruction Manual.

The formation of any new Standing Subcommittees not described herein must receive approval by the Chair and a vote of two-thirds of the member organizations present in a meeting at which a quorum is established.

B. Ad Hoc Subcommittees

Ad Hoc Subcommittees are formed to address a specific matter of interest to the NUCC that requires additional work that would be more effectively prepared in a subcommittee other than one of the Standing Subcommittees. Examples of matters addressed by Ad Hoc Subcommittees include developing comments on a notice of proposed rulemaking, developing testimony, etc. Ad Hoc Subcommittees will be formed at the discretion of the Chair, or with the concurrence of the majority of NUCC member organizations. Ad Hoc Subcommittees shall be disbanded by the Chair once the work is completed. The Appeal Subcommittee, as described in Section IX.B, is an Ad Hoc Subcommittee.

C. Subcommittee Processes and Procedures

The Chair shall appoint members of Standing Subcommittees and Ad Hoc Subcommittees. Subcommittee members may include the member organization representatives, member organizations' staff, and other interested parties. The Chair (or subcommittee Chair or Co-chair(s), in the case of Standing Subcommittees) may invite guests to participate on relevant matters under consideration by the relevant subcommittee. The subcommittee Chair or Co-chairs of Standing Subcommittees will be appointed by the Chair. The Chair (or subcommittee Chair or Co-chair(s), in the case of Standing Subcommittees) shall assure prior to participation by persons not affiliated with an NUCC member organization that said persons agree to adhere to the conflict of interest policy (Section III.D), and the Chair may suspend a subcommittee member's participation on the relevant subcommittee if such subcommittee member fails to execute the Statement of Compliance in a timely manner in accordance with the announced deadlines or make required disclosures of conflicts of interest, pursuant to Section III.D.

Only subcommittee members may participate in subcommittee conference calls. Other invited guests may participate at the discretion of the Chair (or subcommittee Chair or Co-chair(s), in the case of Standing Subcommittees).

The subcommittee conference call agenda and meeting materials will be prepared by the Secretary and sent to the subcommittee members and other invited guests, when applicable, prior to the scheduled conference call. Subcommittee members may request agenda items, subject to approval by the Chair (or subcommittee Chair or Co-chair(s), in the case of a Standing Subcommittee), by contacting the Chair (or subcommittee Chair or Co-chair(s), in the case of a Standing Subcommittee) prior to the meeting. Other items, not included in the agenda, will be considered if time permits.

Action on all items in subcommittees will require approval by a simple majority (51%) vote of the subcommittee members present in a meeting at which a quorum is established. All subcommittee actions will be referred to the NUCC for consideration and approval.

Meetings will be documented by the Secretary. Meeting minutes will be distributed in the subcommittee's next meeting materials. The minutes will be subject to formal approval at the next subcommittee meeting.

IX. Appeal Process

Persons and entities shall have the right to appeal substantive or procedural decisions of the NUCC.

A. Appeal Criteria

The following criteria must be met for an appeal to be considered:

- Appeal request is made by an affected organization.
- Appeal request is received by the Chair of the NUCC within six months of the requester being notified of the NUCC's decision.
- Appeal request is in writing, via email, fax, or standard mail to the Chair.

Additionally, the Chair, in consultation with the Administrative Subcommittee, makes a determination whether or not all of the following criteria must be met for an appeal to be considered:

- Appeal request identifies how the NUCC failed to conform to its procedures and/or criteria.
- Appeal request includes new information that was in existence at the time of the initial request, but not provided to the NUCC. (If the information is new since the time of the initial request, a new request must be submitted.)
- Appeal request states the nature of the objection(s), including any adverse effects, actions or inactions that are at issue, and the proposed specific remedial action(s) that would satisfy the requester's concerns and meet the relevant appeal criteria described in this Section IX.

The requester(s) may also provide additional materials to support their position.

If the Chair, in consultation with the Administrative Subcommittee, finds the appeal request sufficiently meritorious to warrant consideration by Appeal Subcommittee based on the foregoing appeal criteria, the matter will be assigned to the Appeal Subcommittee. In the event there is a lack of consensus between the Chair and the Administrative Subcommittee, the Chair's decision shall prevail.

B. Appeal Subcommittee

If the Chair, in consultation with the Administrative Subcommittee, finds the appeal request meritorious, the Chair will appoint an Appeal Subcommittee on an ad hoc basis. The Chair or Secretary will serve as the chair as a non-voting member. The Appeal Subcommittee shall consist of no less than three representatives of member organizations in addition to the Chair. Criteria for subcommittee participants include:

- Members will represent the appropriate spectrum of the NUCC membership.
- Members will not be direct parties to the issue.
- Members will be unbiased and objective.

The Appeal Subcommittee shall meet initially in-person or by conference call as promptly as feasible, but not more than one month after NUCC's receipt of the request. All materials provided by the requester(s) will be distributed to the Appeal Subcommittee. The requester(s) will be invited to the meeting or conference call and will be provided with all materials distributed to the Appeal Subcommittee members relevant to the appeal. The Chair or Secretary will also notify anyone who previously commented on the proposed matter under appeal and other known interested parties to invite them to provide written comments on the substance of the appeal and/or participate at the meeting or conference call for the appeal. All materials provided to requester(s) shall be provided to all interested parties.

As promptly as feasible, the Appeal Subcommittee shall consider all information and comments and vote on a decision for the NUCC on whether or not it should reconsider its previous recommendation, and if so, shall develop a new recommendation for consideration by the NUCC. The Appeal Subcommittee shall provide its recommendation and any supporting materials in writing to the NUCC prior to NUCC's next in-person meeting or conference call. In order to ensure fairness, the Appeal Subcommittee may develop such additional procedures and/or processes to complete its work as it determines to be appropriate and consistent with the Bylaws and shall announce such procedures and/or processes in advance of their implementation. Such procedures may include, but are not limited to, the Chair (or another individual) conferring with the requester to find a reasonable compromise to a request.

C. NUCC Role in Appeals

The NUCC makes the final decision of an appeal, based on recommendations by the Appeal Subcommittee. The NUCC may decide to refer the matter to another appropriate subcommittee for further review prior to making a final decision. The NUCC shall communicate its final decision in writing to all relevant parties in a timely manner.

Decisions of an appeal are final. If the NUCC reaffirms its previous decision to not grant a request, the requester may not appeal that decision. In addition, the requester may not submit the same or substantially similar request for one (1) year from the date of the reaffirmed NUCC determination.

X. Confidentiality and Proprietary Rights

All member representatives and subcommittee participants acknowledge by their participation that any information and materials provided by member organizations, nonmember organizations, or the NUCC that is identified in writing as confidential and/or proprietary information and that is not in the public domain shall be kept confidential by the representative and participants in subcommittees. The confidential and/or proprietary information shall only be used by the member representative or subcommittee participant and disseminated by the member representative or subcommittee participant for internal use within his/her organization by its designated agents, e.g. associated staff and individual members of relevant committees of member organizations, solely for use in connection with participation in the NUCC. Any other use or distribution of materials is strictly prohibited.

All member representatives and subcommittee participants acknowledge by their participation that all notices of copyright, confidentiality or other conditions on distributed materials shall not be removed.

Through the NUCC's work, various items of data content and/or materials are developed (e.g., NUCC Data Set, NUCC 1500 Instruction Manual). As members of the NUCC, each member organization relinquishes any claim to copyright ownership of data content and

any materials developed by the NUCC. The AMA, on behalf of the NUCC, will hold copyright to all materials developed and maintained by the NUCC. Individuals submitting content and materials to the NUCC for adoption may be required to sign a copyright assignment.

XI. Adoption of Bylaws

This document, titled National Uniform Claim Committee Bylaws, shall be official when approved by a two-thirds majority vote of the member representatives present at a meeting at which a quorum is established. Any modification to this document shall be official when approved by a two-thirds majority vote of the member representatives present at a meeting at which a quorum is established.