(ii) Any additional costs that are recognized as allowable costs for the hospital’s base period as a result of administrative or judicial review of the base-period notice of amount of program reimbursement.

(2) With respect to either the hospital-specific rate determination or the amount of program reimbursement determination, the actions taken on administrative or judicial review that provide a basis for recalculation of the hospital-specific rate include the following:

(i) A reopening and revision of the hospital’s base-period notice of amount of program reimbursement under §§405.1885 through 405.1889 of this chapter.

(ii) A prehearing order or finding issued during the provider payment appeals process by the appropriate reviewing authority under §405.1821 or §405.1853 of this chapter that resolved a matter at issue in the hospital’s base-period notice of amount of program reimbursement.

(iii) An affirmation, modification, or reversal of a Provider Reimbursement Review Board decision by the Administrator of CMS under §405.1875 of this chapter that resolved a matter at issue in the hospital’s base-period notice of amount of program reimbursement.

(iv) An administrative or judicial review decision under §§405.1831, 405.1871, or 405.1877 of this chapter that resolved a matter at issue in the hospital’s base-period notice of amount of program reimbursement.

(v) An administrative or judicial review decision under §§405.1831, 405.1871, or 405.1877 of this chapter that resolved a matter at issue in the hospital’s base-period notice of amount of program reimbursement.

§412.77 Determination of the hospital-specific rate for inpatient operating costs for sole community hospitals based on a Federal fiscal year 1996 base period.

(a) Applicability. (1) This section applies to a hospital that has been designated as a sole community hospital, as described in §412.92. If the 1996 hospital-specific rate exceeds the rate that would otherwise apply, that is, either the Federal rate under §412.64 (or under §412.63 for periods prior to FY 2005) or the hospital-specific rates for either FY 1982 under §412.73 or FY 1987 under §412.75, this 1996 rate will be used in the payment formula set forth in §412.92(d)(1).

(2) This section applies only to cost reporting periods beginning on or after October 1, 2000.

(3) The formula for determining the hospital-specific costs for hospitals described under paragraph (a)(1) of this section is set forth in paragraph (f) of this section.

(b) Based costs for hospitals subject to fiscal year 1996 rebasing—(1) General rule.