

CHAPTER 16
NOTICES

441—16.1(17A) Definitions.

“*Adequate notice*” means any notice of decision or notice of action that includes all of the following information:

1. A description of the action taken;
2. The effective date of the action;
3. The specific reasons supporting the action, stated language likely to be understood by the average program applicant or enrollee;
4. References to applicable provisions of law supporting the action;
5. An explanation of the right to appeal; and
6. The circumstances under which assistance is continued when an appeal is filed.

“*Adverse benefit determination*” means any adverse action taken by the department regarding assistance program benefits administered by the department or on the department’s behalf, excluding department decisions about requests for exceptions to policy.

“*Assistance program*” means a program administered by the department or on the department’s behalf through which qualifying individuals receive benefits or services.

“*Enrollee*” means any applicant for, or recipient of, benefits or services pursuant to an assistance program.

“*Timely*” means that the notice is sent at least ten calendar days before the date the adverse benefit determination would become effective. The timely notice period shall begin on the day after the notice is sent.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—16.2(17A) Notices.

16.2(1) *Written timely and adequate notice.* When required by federal or state law, the department will provide written timely and adequate notice of the right to appeal any adverse benefit determination that affects an individual who is applying for, or receiving benefits from, an assistance program. The department will also provide written timely notice of pending actions for a state or federal tax or debtor offset.

16.2(2) *Adequate notice.* The department shall give adequate notice of the approval or denial of assistance or services; the approval or denial of a license, certification, approval, registration, or accreditation.

16.2(3) *Dispensing with timely notice.* Timely notice may be dispensed with, but adequate notice shall be sent no later than the date benefits would have been issued, when:

- a. There is factual information confirming the death of the enrollee or of the family investment program payee and there is no relative available to serve as a new payee.
- b. The enrollee provides a clear written, signed statement that the enrollee no longer wishes to receive assistance, or gives information that requires termination or reduction of assistance, and the enrollee has indicated, in writing, that the enrollee understands that the consequence of supplying the information is termination or reduction of assistance.
- c. The enrollee has been admitted or committed to an institution that does not qualify for payment under an assistance program.
- d. The enrollee has been placed in skilled nursing care, intermediate care, or long-term hospitalization.
- e. The whereabouts of the enrollee are unknown and mail directed to the enrollee has been returned by the post office indicating no known forwarding address. When the whereabouts of the enrollee become known during the payment period covered by the returned warrant, the warrant shall be made available to the enrollee.
- f. The department establishes that the enrollee has been accepted for assistance in another state.

- g.* Cash assistance or food assistance is changed because a child is removed from the home as a result of a judicial determination or is voluntarily placed in foster care.
- h.* A change in the level of medical care is prescribed by the enrollee's physician.
- i.* A special allowance or service granted for a specific period is terminated and the enrollee has been informed in writing at the time of initiation that the allowance or service shall terminate at the end of the specified period.
- j.* The notice involves an adverse determination made with regard to the preadmission screening requirements.
- k.* The department terminates or reduces benefits or makes changes as described at 441—subrule 40.27(3) or rule 441—75.52(249A).
- l.* The department terminates benefits for failure to return a completed report form, as described in paragraph 16.3(3)“*k.*”
- m.* The department approves or denies an application for assistance.
- n.* The department implements a mass change based on law or rule changes that affect a group of enrollees.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

These rules are intended to implement Iowa Code chapter 17A.

[Filed ARC 4973C (Notice ARC 4675C, IAB 9/25/19), IAB 3/11/20, effective 4/15/20]

[Filed ARC 8045C (Notice ARC 7358C, IAB 1/24/24), IAB 5/29/24, effective 7/3/24]