

481—67.13(17A,231B,231C,231D,85GA,HF2365) Response to final report. The program shall respond pursuant to Iowa Code sections 231B.9A, 231C.9A, and 231D.9A in the following manner.

67.13(1) *If not contesting.* If the program does not seek an informal conference or contest the final report and civil penalty, if assessed, the program shall remit to the department the amount of the civil penalty, if assessed. If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if the requirements of subrule 67.16(5) are met.

67.13(2) *Informal conference.*

a. Request for informal conference. The request for an informal conference must be in writing and include the following:

- (1) Identification of the regulatory insufficiency(ies) being disputed;
- (2) The type of informal conference requested: virtual or telephone conference;
- (3) A request for monitor's notes for the regulatory insufficiency(ies) being disputed, if desired.

b. Submission of documentation. The program will submit the following within ten working days from the date of the program's written request for an informal conference:

- (1) The names of those who will be attending the informal conference, including legal counsel;
- (2) Documentation supporting the program's position. The program will highlight or use some other means to identify written information pertinent to the disputed regulatory insufficiency(ies). Supporting documentation that is not submitted with the request for an informal conference will not be considered, except as otherwise permitted by the independent reviewer upon good cause shown. "Good cause" means substantial or adequate grounds for failing to submit documentation in a timely manner. In determining whether the program has shown good cause, the independent reviewer shall consider what circumstances kept the program from submitting the supporting documentation within the required time frame.

c. Virtual or telephone conference. A virtual or telephone conference, if requested, will be scheduled to occur within ten working days of the receipt of the written request, all supporting documentation and the plan of correction required by subrule 67.12(3).

- (1) Failure to submit supporting documentation will not delay scheduling.
- (2) The conference will be scheduled for one hour. The program will informally present information and explanation concerning the contested regulatory insufficiency(ies). The department will have time to respond to the program's presentation. Due to the confidential nature of the conference, attendance may be limited.

(3) If additional information is requested by the independent reviewer during the informal conference, the program will have two working days to deliver the additional materials to the independent reviewer.

(4) When extenuating circumstances exist, the program may be given one opportunity to reschedule.

d. Results. The results of the informal conference will generally be sent within ten working days after the date of the informal conference or within ten working days after the receipt of additional information, if requested.

(1) The department will issue an amended (changes in factual content) or corrected (changes in typographical/data errors) final report if changes result from the informal conference.

(2) The program must submit to the department a new plan of correction for the amended or corrected report within ten calendar days from the date of the letter conveying the results of the conference.

(3) If the informal conference results in dismissal of a regulatory insufficiency for which a civil penalty was assessed, the corresponding civil penalty will be rescinded.

67.13(3) *Procedure after informal conference.* After the conclusion of an informal conference:

a. If the program does not desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, remit to the department the civil penalty, if assessed.

b. If the program does desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, notify the department in writing that it desires to formally contest the final report.

67.13(4) *Contested case hearings.* Contested case hearings shall be conducted by the department's administrative hearings division pursuant to Iowa Code chapter 17A and 481—Chapter 9.