

641—87.8(135) Participant right to appeal.**87.8(1)** *Denial, reduction or termination of services.*

a. When a contractor denies, reduces or terminates services funded by the HOPES-HFI grant against the wishes of a participant, the contractor shall notify the participant of the following:

- (1) The action taken;
- (2) The reason for the action; and
- (3) The participant's right to appeal.

b. If a participant files an appeal, the contractor shall provide services to the participant throughout the appeals process, unless the contractor receives a waiver from the department pending the outcome of the appeal.

87.8(2) *Local appeals process.*

a. All contractors shall have a written local procedure to hear appeals. The local procedure shall, at a minimum, include:

- (1) The method of notification of the right to appeal;
- (2) The procedure for conducting the appeal;
- (3) Time limits for each step; and
- (4) The method of notification of the outcome of the local appeal and notification of the participant's right to appeal to the state.

Notifications of the outcome of the local appeal shall include the facts used to reach the decision and the conclusions drawn from the facts to support the contractor's decision.

b. The written appeals procedure and the record of appeals filed (including the record and disposition of each) shall be available for inspection by authorized representatives of the Iowa department of public health.

87.8(3) *Appeal to department.*

a. Procedure for appeal. If a participant is dissatisfied with the decision of the local appeal, the participant may appeal to the state. The appeal shall be made in writing by certified mail, return receipt requested, to the Division Director, Division of Health Promotion and Chronic Disease Prevention, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within 15 days of receipt of the local contractor's appeal decision.

b. Department review. The department shall evaluate the appeal based upon the merits of the local appeal documentation. A department decision affirming, reserving, or modifying the local appeal decision shall be issued within 30 days of the receipt of all local appeal documentation. The department decision shall be in writing and shall be sent by certified mail, return receipt requested, to the participant and the contractor.

87.8(4) *Further appeal.* The participant may appeal the department's decision by submitting an appeal, within 10 days of receipt of the department's decision, to the Division Director, Division of Health Promotion and Chronic Disease Prevention, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Upon receipt of an appeal that meets contested case status, the department shall forward the appeal within 5 working days to the department of inspections and appeals pursuant to the rules adopted by the department of inspections and appeals regarding the transmission of contested cases. The continued process for appeals shall be governed by 641—Chapter 173, Iowa Administrative Code.