

441—7.4(17A) Initiating an appeal.

7.4(1) Exhaustion of remedies. An appellant will only be granted a contested case hearing if the appellant has exhausted all other appeal remedies available to the party-in-interest. An appellant should refer to program-specific provisions for the appropriate procedures applicable to specific programs.

7.4(2) Medicaid managed care enrollees exhaustion of remedies.

a. A Medicaid managed care enrollee will be granted a contested case hearing pursuant to 42 CFR 438.402(c)(1) as amended to November 13, 2020.

b. If a Medicaid enrollee's managed care organization fails to provide a decision in the time and manner pursuant to 42 CFR 438.408 as amended to November 13, 2020, the enrollee will be deemed to have exhausted the managed care organization's appeals process and may initiate a contested case hearing.

7.4(3) Time to appeal. For a contested case hearing to be granted, the following appeal timelines must be met:

a. Supplemental Nutrition Assistance Program (SNAP), Medicaid eligibility, healthy and well kids in Iowa (hawki), fee-for-service Medicaid coverage, family planning program, and autism support program. On or before the ninetieth day following the date of notice of an adverse benefit determination.

b. Managed care organization medical services coverage. On or before the 120th day following the date of exhaustion, actual or deemed, of the managed care organization appeal process.

c. Federal tax or debtor offsets. On or before the 15th day following the date of notice of the action.

d. Women, Infants and Children (WIC) program. On or before the ninetieth day following the date of notice of an adverse benefit determination for a participant. On or before the tenth day following the date of notice of adverse action for a vendor pursuant to 7 CFR 246.18(a)(1) as amended to August 1, 2024. On or before the tenth business day following the receipt of notification to a local agency of an adverse decision pursuant to 7 CFR 246.18(a)(3) as amended to August 1, 2024.

e. Reserved.

f. Dependent adult abuse. Within six months of the date of notice of the action as provided in Iowa Code section 235B.10.

g. Child abuse. For an appeal regarding child abuse, the person alleged responsible for the abuse must appeal on or before the ninetieth day following the date of notice of the action as provided in Iowa Code section 235A.19. A subject of a child abuse report, other than the alleged person responsible for the abuse, may file a motion to intervene in the appeal on or before the tenth day following the date of notice of the right to intervene.

h. Assistance program overpayments. For an appeal pertaining to overpayments, the party-in-interest's right to appeal the existence, computation and amount of the overissuance or overpayment begins when the department sends the first notice informing the party-in-interest of the overissuance or overpayment. The appeal timelines for overpayments follow the same timelines as other actions within the same program.

i. All other appeals. For all other appeals, and unless federal or state law provides otherwise elsewhere, the appellant must appeal on or before the thirtieth day following the date of notice of the action being appealed. If such an appeal is made more than 30 days, but less than 90 days, of the date of notice, the director or director's designee may, at the director's or designee's sole discretion, allow a contested case hearing if the delay was for good cause, substantiated by the appellant.

7.4(4) Written and oral notification. The department shall advise each applicant and recipient of the right to appeal any adverse decision affecting the person's status pursuant to 441—Chapter 16.

a. Written notification of the following shall be given at the time of application and at the time of any agency action affecting the claim for assistance.

(1) The right to request a hearing.

(2) The procedure for requesting a hearing.

(3) The right to be represented by others at the hearing unless otherwise specified by statute or federal regulation.

b. Written notification will be given on the application form and all notices of decision.

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